

Resource Conservation and Recovery Act (RCRA) Grant
Final Report for Fiscal Year 2005-06
(July 1, 2005 through June 30, 2006)

**STATEWIDE COMPLIANCE DIVISION
COMPLIANCE MONITORING AND ENFORCEMENT**

The Final Report, submitted by the Department of Toxic Substances Control (DTSC), Statewide Compliance Division (SCD) includes activities performed by SCD and DTSC's Task Force Investigations Support Branch (TFISB), between July 1, 2005 and June 30, 2006, which were reimbursable under the RCRA Grant. Also included are State-funded activities performed by SCD and TFISB and RCRA Grant-funded activities performed by other organizations within DTSC. Data entered into various Hazardous Waste Management Program (HWMP) databases provide the principal basis for reporting SCD's activities.

The following are key highlights of the DTSC Compliance Monitoring and Enforcement program:

SCD Highlights

- Completed 471 core work inspections including complaint investigations
- Received \$1,698,108 in settlement amounts resulting from enforcement actions
- Initiated 91 enforcement cases
- Settled 80 enforcement cases
- Received 610 formal complaints
- Inspected 2000 trucks crossing the Mexican border
- Transporter Inspection Team inspections generated 17 enforcement actions
- Completed 61 E-Waste inspections that resulted in 3 enforcement actions
- Completed 110 Financial Responsibility (FR) reviews
- Reimbursed \$2,237,684 out of FR mechanisms
- Billed Imperial County generators \$1,200,000 in fees
- Responded to over 900 inquiries as Imperial County CUPA
- Conducted 16 compliance workshops in Imperial and Trinity Counties
- Conducted 18 CUPA program evaluations
- Received, evaluated, or closed investigation of 14 self-disclosure notifications
- Received 99 import notifications and 42 export notifications

TFISB Highlights

- Supported 41 local environmental task forces
- Settled 8 enforcement actions
- Participated in 191 site inspections
- Participated in 418 sampling events
- Completed 8 Inspection Warrants
- Assisted with 49 Search Warrants

HWMP Highlights (See other parts of the End of Year Report for more highlights.)

- Developed state regulations and outreach activities to implement federal manifest regulations that take effect on September 5, 1006.
- Continued major program work on Inspections, Complaints, and Enforcement data system to translate data to the RCRAInfo data system.

I. INSPECTION AND MONITORING

A. CORE INSPECTION ACTIVITIES

SCD completed 471 inspections, including complaint investigations.
The following RCRA and non-RCRA facility inspections were conducted:

Inspections Completed By Regions						
Inspections	Northern California	State Oversight & Enforcement	Glendale	Cypress	Total Planned (annual)	Total Completed
RCRA TSD CEI Non-RCRA TSD CEI	34	0	17	21	75 Minimum	72
Comprehensive Monitoring Evaluations	1	0	0	1	2-5	2
Operations and Maintenance	0	0	0	0	2-5	0
Incinerator/BIF	2	0	0	0	2	2
Generators: CUPA Refineries	0 6	24 0	2 0	0 0	30 minimum	26 6
Std. Permit	2	0	2	5	Up to 10	9
Mercury Lamp	24	0	7	8	No set number	39
Electronic Waste	35	0	10	16	No set number	61
Transporters	7	0	28	25	Minimum 35 for Grant. No set number for used oil.	60
Used Oil Transporters	0	0	1	.0	No set number	1
Financial Responsibility	50	0	50	0	One for every non-federal TSD CEI	110*
Limited Inspections	0	0	0	0	No set number	0
Used Oil	0	0	3	0	No set number	3
Complaints	18	1	35	20	No set number	74
Enhanced Surveillance	2	0	1	1	No set number	4
Port of Entry	0	0	2	0	No set number	2
Totals	181	25	158	97	146 plus FR reviews	471**

* The total number of completed Financial Responsibility (FR) inspections includes 10 inspections completed by the FR analyst in HWMP's Regulatory and Program Development Division (RPDD).

** The total number of completed inspections also includes the ten additional FR inspections completed by RPDD.

Assessment of Inspection Commitments both RCRA and Non-RCRA

Evaluation of total planned inspections against actual inspection accomplishments indicates that work plan commitments were met. In some instances, the goal was higher; and, in other instances, SCD exceeded the expected outcome. Early in the fiscal year, SCD redirected resources to establish the CUPA programs in both Imperial and Trinity Counties, impacting the program's ability to complete a higher volume of inspections than was accomplished in previous years. Resources were also invested in the new CUPA programs to identify the regulated universe in these two counties, and to recruit and hire new staff in order to successfully launch the new DTSC as a CUPA programs. Additionally, non-CUPA county inspections were not part of the SCD work plan during this fiscal year, decreasing the total number of generator inspections reported by the program. In comparison to the two previous fiscal years as displayed in the tables below, SCD and DTSC continue to accomplish mandated tasks and achieve the objectives identified by the RCRA Grant.

1. FACILITY INSPECTIONS

SCD completed 72 Compliance Evaluation Inspections (CEI). Class I violations were cited during 12 of the inspections.

The originally scheduled Compliance Evaluation Inspections (CEIs) at Clean Harbors San Jose LLC, CAD059494310; Industrial Service Oil Company, CAD099452708; Intercoastal/Denova Environmental, CAT080022148; Lawrence Livermore National Laboratory, CA2890012584; and, Techalloy Company, CAD059277137 were not conducted. The inspections at Clean Harbors San Jose and Lawrence Livermore National Laboratory are now planned for completion prior to the end of the federal fiscal year on September 30, 2006. The originally scheduled Enhanced Surveillance Inspections at Crosby & Overton, CAD028409019 and U.S. Naval Air Station, North Island, CA7170090016 were also not conducted. There are no hazardous waste activities taking place at Intercoastal which is undergoing closure. Techalloy has now converted from CEI non-major to Permit By Rule (PBR) status. SCD postponed inspections at the remaining facilities due to pending enforcement actions against two of the facilities, inspector workload, permitting activity, and, several staff being redirected to inspect generators under the mercury lamp enforcement initiative.

Core Inspection Type	Fiscal Year 2003/2004	Fiscal Year 2004/2005	Fiscal Year 2005/2006
RCRA TSD CEI	98	81	72
Non-RCRA TSD CEI			

2. GENERATOR INSPECTIONS

SCD completed 32 generator inspections of which 6 were oil refineries. Class I violations were cited during 13 of the generator inspections, and zero violations were found during the oil refinery inspections. With the establishment of active CUPA jurisdictions throughout California, non-CUPA generator inspections are no longer part of the SCD work plan. As a result, the total number of generator inspections decreased this year in comparison to previous years.

Core Inspection Type	Fiscal Year 2003/2004	Fiscal Year 2004/2005	Fiscal Year 2005/2006
Generators:			
CUPA	35	38	26
Non-CUPA	44	15	0
Refineries	9	7	6

3. TRANSPORTER INSPECTIONS

SCD completed 60 transporter inspections and 1 used oil transporter inspection. Class 1 violations were found during 18 of the transporter inspections, and during the one used oil transporter inspection.

Core Inspection Types	Fiscal Year 2003/2004	Fiscal Year 2004/2005	Fiscal Year 2005/2006
Transporters	60	58	60
Used Oil Transporters	9	1	1

Transporter Inspection Team

There are approximately 220 actively registered transporters in the Glendale Region. Inspectors used the Hazardous Waste Tracking System (HWTS) to identify transporters that were potentially in violation of hazardous waste laws and regulations. Twenty-four transporters with inactive registration and high transit times were identified for inspection. Non-RCRA & used oil transporters were not included. Two additional transporters were chosen because of complaints logged against the companies, and the three oldest transporters that had not yet been inspected were also targeted. In all, 28 transporters and one complaint inspection were conducted by the transporter inspection team. The inspections resulted in 17 enforcement actions, four of which settled in

FY 2005-06. The new small case settlement process was used to resolve these enforcement actions. The following violations were found: storage of wastes beyond the 10-day exemption for transporters, transporting waste with an expired registration, no registration, altered dates on manifests, illegal treatment, truck to truck transfer, no manifests retained, incomplete manifests, damaged containers, and spills.

4. ENHANCED SURVEILLANCE

SCD completed four enhanced surveillance inspections. Class I violations were found during two of these inspections.

5. FINANCIAL RESPONSIBILITY REVIEWS, FACTORS, AND ISSUES

Financial Responsibility Reviews

DTSC conducted 110 financial responsibility (FR) reviews. SCD FR analysts completed 100 of the reviews; and, the RPDD FR analyst completed 10 reviews. Class I violations were found in eight of these reviews.

Core Inspection Types	Fiscal Year 2003/2004	Fiscal Year 2004/2005	Fiscal Year 2005/2006
Financial Responsibility	78	91	110

Additionally, SCD processed seven requests from companies for reimbursement of costs associated with facility closure or post closure, as well as one mechanism replacement request and two releases from FR requirements resulting from facility closure certification. The total amount released from FR mechanisms attributed to reimbursement requests totaled \$2,237,684.96 in FY 2005-06.

Facility Name	Reimbursement Amounts or FR Requirement Changes
Acme Fill Corporation, Contra Costa County	\$ 807,111.45
Akwaklame, Inc., Orange County	\$ 127,817.58
Bridge Finance LLC Facility (Formerly A-American Environmental), Los Angeles County	\$ 373,829.48
General Atomics, San Diego County	Release from FR Requirement
IT Environmental Liquidating Trust: Panoche, Vine Hill Complex, Montezuma Hills, and Benson Ridge	\$ 928,926.45
Mirant Corporation, Pittsburg Power Plant, Contra Costa County	Release from FR Requirement
USS Posco, Contra Costa County	Mechanism Replacement
TOTAL FY 2005-06 REIMBURSEMENTS	\$ 2,237,684.96

For specific details on the reimbursement amounts or FR requirement changes highlighted in the above table, please refer to Appendix A at the end of this report.

Financial Responsibility Issues and Projects

During the reporting period, DTSC FR staff were involved in significant and issues and projects related to the California FR program. Three of the issues and projects are discussed below:

Negative Assurance Statements Associated With the Financial Test.

Financial Test submission with an agreed upon procedures replacing the negative assurance statement does not comply with regulatory requirements. The agreed upon procedures standards reflect a lesser degree of scrutiny by the independent accountant and are therefore less stringent than the express requirements of State and federal regulations. A 1997 policy memorandum from U.S. EPA stated that U.S. EPA will allow the use of an agreed upon procedures pending revision of 40 CFR. U.S. EPA has yet to revise 40 CFR to reflect this policy. An agreed upon procedures engagement is one in which the independent accountant and the client enter into a written agreement defining the nature and extent of the accountant's work. The work performed under an agreed upon procedures methodology is defined and limited by the contract between the independent accountant and the facility ownership. A negative assurance requires the independent accountant to make a more all encompassing analysis. The result is a methodology that is less stringent

than the analysis required by the regulatory standard of negative assurances. One major purpose of the negative assurance requirement is to place the burden of demonstrating compliance with the regulations on the facilities and their accountants. DTSC has received requests from several facilities that DTSC accept an agreed upon procedures letter in satisfaction of California Code of Regulations, Title 22, Section 66264.143(f)(3)(C)(2). The proposed agreed upon procedures set forth in the requests differ. Some requests failed to have any procedures specified. In all cases where procedures were disclosed to DTSC, those procedures were insufficient to provide the level of assurance required by California Code of Regulations, Title 22, Section 66264.143(f)(3)(C)(2). DTSC has notified each facility of the violation and allowed submission from facilities that requested permission to use a financial test with agreed upon procedures pending resolution of this matter with U.S. EPA and the four major public accounting firms.

New Inflation Factor for Financial Responsibility Mechanisms.

Northern California Branch's financial responsibility analyst and Southern California's financial responsibility analyst discussed the change in the inflation factor effective March 30, 2006. Currently U.S. EPA is informing the regulated community what the new inflation factor is based on the Gross Domestic Product, while regulations dictate that the inflation factor be based on the Gross National Product. The analysts have decided to tell a facility that they can use the Gross Domestic Product to determine the inflation factor; however, once the inflation factor is announced based on the Gross National Product the facilities will need to reevaluate their mechanisms to determine if they have adequately inflated the value of their mechanisms.

U.S. EPA Review of California Financial Assurance Files. U.S. EPA Office of Enforcement and Compliance Assurance (OECA) and its contractor (IEC) performed a review of financial assurance files for RCRA facilities in California, from November 8 - 10, 2005. The original list identified 86 facility files for review. Because DTSC's financial assurance files are organized by entity/mechanism, a total number of 92 facilities were actually reviewed. The result of the review was a list of comments. These comments were divided into five categories: "severe," "major," "minor," "potential/incomplete," and "none." The category relates to the level of concern that OECA's contractor had regarding the mechanism. Of the comments associated with the 92 facilities reviewed, there were seven severe, 42 major, 17 minor, seven potential/incomplete files, and 21 with no comments. DTSC was asked to respond to the comments. DTSC has already responded to the comments marked as "severe" and will be addressing the others shortly.

B. INITIATIVES

1. AUTHORIZED AND COMMITTED INITIATIVES

a. UNIVERSAL WASTE

Mercury Lamp Enforcement Initiative

In February 2005, DTSC launched the mercury lamp enforcement initiative to improve the recycling rate for spent fluorescent tubes and other mercury-containing lamps generated in California. The initiative began with DTSC conducting outreach by sending out several thousand one-page fact sheets to affected businesses. The fact sheet clearly states that spent fluorescent tubes must be recycled and then directs the business to the Internet and other hardcopy resources on the proper management and recycling of spent fluorescent tubes. Fact sheets were mailed to "big box" (e.g. Albertson's, Costco, Kmart, Longs Drugstores, Target, Wal-Mart, etc.) retailers, lighting contractors, and building management and building maintenance associations throughout the State. Future targets for mailing include large hotels, restaurant chains, government agencies, educational institutions, large office buildings and property management firms, healthcare institutions, and other businesses that are expected to be major generators of spent fluorescent tubes.

In early May 2005, SCD began conducting inspections of "big box" retailers to determine the compliance rate with the mercury lamp recycling requirement. SCD inspectors left educational and guidance materials with businesses and, where appropriate, cited violations that could include monetary penalties. Between May 6 and July 14, 2005, SCD conducted a total of 32 inspections. The inspections revealed that the majority of the "big box" retailers recycled their fluorescent tubes. No Class I violations were found and only a single Class II violation was identified. Only six facilities were found to have minor violations. Therefore, over 80% of the facilities inspected by SCD had no violations at all.

In August 2005, SCD began conducting inspections of companies advertising as mercury lamp recyclers to ensure that none are involved in illegal treatment activities. SCD also conducted inspections of the two permitted mercury lamp recycling facilities operating within the State. Beginning in late August and continuing through December 2005, SCD shifted its inspection focus to include lighting contractors involved in removing fluorescent tubes from offices, buildings and businesses.

By the end of December 2005, SCD staff completed a total of 59 mercury lamp inspections.

- ✓ The breakdown of inspections is as follows:
 - 33 "Big box" retailers
 - 23 relampers (3 facilities were no longer in business)
 - 3 recyclers (including one illegal drum crusher)
- ✓ Rates of compliance for each category of inspection were:
 - 24% (8/33) of the "Big box" retailers had primarily minor violations
 - 50% (10/20) of the relampers had primarily minor violations
 - 100% (3/3) of the recyclers had violations with two facilities the subject of enforcement actions.

DTSC intends to translate the results of the initiative into a simple and efficient template for inspection, enforcement, and penalties and transfer the template to the Certified Unified Program Agencies (CUPA) to supplement DTSC's enforcement resources. In the interim, the information was presented at the February 2006 CUPA Conference in Burlingame, California, so that local programs could make use of the inspection checklists and DTSC's regulatory approach as part of normal generator inspection activities. With this information, CUPAs will have a ready tool to assess compliance with mercury lamp recycling requirements during the 30,000 annual CUPA generator inspections.

b. ELECTRONIC WASTE

In 2003, DTSC's Hazardous Waste Management Program (HWMP) adopted emergency regulations that allow electronic waste (e-waste) recyclers to conduct treatment of electronic wastes without obtaining a hazardous waste facility permit. These emergency regulations do not only implement the Electronic Waste Recycling Act (Senate Bill (SB) 20/50), but also apply appropriate safeguards and requirements to protect workers, public health and the environment from the hazards of e-waste recycling.

HWMP collaborated closely with the California Integrated Waste Management Board and developed and implemented an approval process for e-waste collectors and recyclers participating in the SB 20/50 recovery payment system.

In early 2004, HWMP's Statewide Compliance Division established the E-Team to assist in implementing the inspection provisions of SB 20. The E-Team is comprised of SCD staff conducting inspections of Universal Waste Electronic Device (UWED) and Cathode Ray Tube

(CRT) materials handlers who conduct treatment and/or recycling activities and wish to receive money from the California Integrated Waste Management Board for participating in SB 20/50.

During FY 2005-06, SCD staff conducted 61 SB 20/50 inspections. Three facilities were found to have violations serious enough to warrant an enforcement action. All three have returned to compliance. A total of 58 facilities now require a yearly inspection by SCD which represents a 57% increase over FY 2004-05 when only 37 facilities required an annual inspection.

2. AUTHORIZED AND UNCOMMITTED INITIATIVES

a. LANDFILLS

Nothing to report.

b. LEAD-CONTAINING WASTE

Nothing to report.

c. MERCURY-CONTAINING WASTE

Nothing to report.

d. HIGH-RISK OPERATIONS AND SCHOOLS

Los Angeles Unified School District – Del Amo Elementary School

Meeting: On June 6, 2006, SCD attended a meeting with staff and faculty of Del Amo Elementary School. The Los Angeles Unified School District (LAUSD) held the meeting due to faculty and staff concerns about air quality issues related to industrial activities of adjacent and nearby businesses. During the meeting SCD, agreed to work with the Los Angeles County Fire Department to develop an inspection and compliance history for the generators adjacent to the school. In addition to LAUSD staff, South Coast Air Quality Management District and Los Angeles County Office of Environmental Health representatives were also in attendance. Another meeting was held on June 23, 2006, and SCD provided LAUSD a checklist for schools to use when observing problems such as noxious fumes from nearby businesses. LAUSD was also provided information on filing an environmental complaint, along with a checklist that was designed to help organized the information needed if it is determined that a complaint needs to be filed.

S & W Atlas Iron and Metals, City of Los Angeles, (Los Angeles County): CAD981460116 (complaint). On July 13, 2005, the Los Angeles County Superior Court issued a Notice of the Nature of Proceedings stating the Court's decision to assign DTSC's case and a related case to a Complex Litigation Panel. Consultants hired by Atlas provided interim measures to minimize potential for off-site migration of

contaminants. On September 28, 2005, during a status conference, the Judge ruled that a trial, solely to determine the characterization of the waste piles, be held.

An enhanced surveillance inspection was conducted on September 20, 2005, to monitor the condition of the temporary covers on the two waste piles, as well as a wall that separates the facility from the adjacent Jordan High School athletic field. During the week of January 3, 2006, SCD staff members were deposed. On March 29, 2006, the Superior Court Judge toured the Atlas facility and the adjacent Jordan High School. DTSC emergency response contractors temporarily removed sand bags and tarps from a portion of the hazardous waste piles so the judge could observe the piles.

Results from U.S. EPA emergency response team sampling conducted in February of 2006, confirm that the waste piles contain federal hazardous waste levels for lead and several other heavy metals, and are consistent with SCD's samples. A removal of the hazardous waste piles from the Atlas facility is scheduled for the month of August 2006, when Jordan High School will be closed. Final comments to the Health and Safety Plan were provided on June 20, 2006. Atlas is further seeking authorization to remove scrap metal from the waste piles, so that the metal can be recycled. SCD is requiring that the school be closed when the removal is done in order to mitigate traffic and the risk of exposure to the students and teachers.

The case originates from a March 17, 2003 inspection in which Atlas was cited for unauthorized storage of lead, PCB's, and other heavy metals in two waste piles. The inspection was prompted by an incident in December of 2002, when a military training shell, thought to be inert, activated while being dismantled. A second shell, propelled by the force of the explosion, landed in the adjacent Jordan High School athletic field.

e. "WET-FLOOR" PLATING OPERATIONS

Nothing to report

**II. HAZARDOUS WASTE GENERATORS REGULATION
(CUPA Coordination and Support)**

A. ASSISTANCE

In FY 2005-06, SCD received 557 calls and e-mail questions from CUPAs, with 208 of these calls and e-mails relating directly to RCRA issues. An additional 463 calls and e-mails were received from members of the regulated community and public, with 167 of these questions being directly related to RCRA issues. SCD also received 15 applications for 30-day storage extensions during the fiscal

year, nine of which were approved, two denied, and four withdrawn by the applicants.

Additional assistance to the CUPAs was provided in the form of participation in various workgroups, meetings and policy groups and through field assistance. DTSC has been active in providing support in the following ongoing forums: Hazardous Waste Tracking System (HWTS) Report Users Group, Administrative Enforcement Order Process Workgroup, Workgroup for Instructions and Forms (CUPA data reporting elements), various regional CUPA forum meetings, and the Hazardous Waste Task Force meetings. Field assistance was provided to CUPAs on three occasions. One CUPA-sponsored speaking engagement was attended, and one meeting regarding California's implementation of RCRA regulations was attended. SCD also prepared and provided customized HWTS reports to meet the unique data needs of the following CUPAs: Colusa, Livermore-Pleasanton, and Oxnard.

SCD also participated in the newly formed Violation Classification Guidance Workgroup whose goal is to better define the expectations for CUPAs regarding violation classification as well as to produce a guidance document for reference. The guidance document was presented to the CUPAs in February 2006 at the CUPA Conference, and was forwarded to Cal/EPA and the CUPA Forum Board for approval on May 31, 2006. The workgroup was formed in response to inconsistencies found by DTSC and other state agencies during evaluations of the CUPAs.

B. EXTERNAL TRAINING

SCD provided training to the CUPAs and the regulated community in FY 2005-06 at the Annual CUPA Conference in Burlingame (February 6-9, 2006), through routinely-scheduled training/outreach, and at individual CUPA's requests. Routinely scheduled training was limited to classes on the use of DTSC's Hazardous Waste Tracking System (manifest tracking system). This training was provided to 43 CUPA staff in October and December 2005. These training sessions were also attended by fifteen DTSC and two U.S. EPA staff. Training on general rules regarding Universal Waste, manifesting and inspections, was provided to approximately 80 people during four sessions in Richmond. The sessions were sponsored by the Labor, Occupational Safety, and Health Group, a group tied to the University of California system. One of these sessions was presented in Spanish, and reached approximately 20 people. Individual training requests were fielded from, and provided to Los Angeles County in May, reaching twenty-four CUPA staff and covering generator and tiered permitting requirements.

At the CUPA Conference, SCD staff presented the following classes: Violation Classification, Penalty Determination for Hazardous Waste Violations, and Rules for CESQGs/SQGs. Additionally, staff participated in an "Ask DTSC" panel discussion during which DTSC is asked questions by a live audience regarding

all types of regulatory scenarios. Finally, SCD staff was the lead presenter of the "Violation Classification for CUPAs" Guidance Document, a class designed to present the workgroup's Guidance document, and raise awareness of the proper manner for classifying violations.

C. INDEPENDENT OVERSIGHT

In FY 2005-06 SCD conducted 24 independent oversight inspections; 11 were focused on selected counties, seven were randomly selected RCRA LQGs and six were focused on the onsite treatment of cyanide containing wastes. Of these inspections, 13 resulted in Class I violations.

SCD focused a portion of its independent oversight inspections in those CUPA jurisdictions that were scheduled to, and received periodic performance reviews. Inspections were focused in the Counties of Siskiyou, San Luis Obispo, Solano, San Bernardino, and Riverside. Of the 11 inspections conducted in these Counties, five were found to have Class I violations (45% of inspections). The other 7 non-cyanide related independent oversight inspections in other jurisdictions resulted in four facilities with Class I violations (57% of inspections), two of these being follow-up inspections at plating facilities that were originally inspected for their cyanide activities. SCD also conducted 6 inspections of generators treating cyanide onsite. Each of these inspections resulted in at least one Class I violation being found.

D. UNIFIED PROGRAM INFORMATION COLLECTION AND REPORTING

1. Data analysis

SCD prepared a FY 2004-05 data analysis report to forward to U.S. EPA in response to the U.S. EPA's evaluation of the State's RCRA Grant report for FY 2004-05. This report was forwarded to Cal/EPA in June 2006. Additional data analysis was conducted in preparing the CUPA evaluation "wish list." Annual inspection and enforcement data were analyzed in December 2005, and recommendations were forwarded to Cal/EPA regarding which CUPAs DTSC would like to evaluate in the 2006 calendar year. The process will be repeated again in 2006, between October 1 and December 31 with the purpose of selecting those CUPAs to be evaluated in calendar year 2007.

2. Large Quantity Generator Inspection Reporting

SCD has continued to request information from CUPAs regarding inspection and enforcement activities at RCRA-regulated Large Quantity Generator (LQG) facilities. In the first quarter of FY 2005-06, calls were made to each CUPA whose prior submittals were missing or incomplete. SCD's outreach was in response to the decreasing number of agencies who have been submitting information (down from a high of 38%

participation). Even with 34% of the agencies submitting data at some point during the year, the total number of quarters of data received remains low at 18% of the eligible quarters of data actually received. Within the 10 CUPAs with the largest RCRA LQG populations, the data is better with 70% participation (participation = submit at least one quarter each year), and 36% of all eligible quarters being reported. Overall, four RCRA LQGs were noted as having Class I violations, 27 having Class II violations, and 83 having minor violations during 217 inspections.

Data submittals generally lag in the first and last quarters of each year due to the overlap in reporting requirements with other required CUPA annual reports. Data received is still generally incomplete and enforcement tracking lags or is forgotten as time passes between discovery of violations and resolution of enforcement cases. Due to these factors, no statistically significant findings can be obtained from this data. Collected data will be compared to data submitted as part of each CUPA's annual reports, and discrepancies will be considered as a factor in determining which CUPAs will be evaluated during calendar year 2006.

E. U.S. EPA ENFORCEMENT REFERRALS

There were no enforcement referrals made to U.S. EPA in FY 2005-06. Enforcement referrals from the U.S. EPA are tracked and followed-up appropriately as needed. In FY 2005-06, no enforcement referrals were received from U.S. EPA. Complaint referrals from U.S. EPA staff are carefully examined during CUPA evaluations to ensure that CUPAs are responding appropriately and are coordinated individually where appropriate. One example of this can be seen in the referral of a complaint through U.S. EPA regarding a facility in San Luis Obispo CUPA. The complaint was forwarded to the CUPA, and investigation is being conducted by the CUPA with periodic updates to SCD on the progress.

F. GENERATOR STRATEGIC PLAN

SCD has reviewed the Generator Strategic Plan. Most of the Objectives in the plan have been met, although the following items were not completed: Objective 1 of Goal DM-01 (Annual Evaluation of the Strategic Plan), Goal IN-01 (Regulations to Standardize Inspection Frequency), Objective 3 of Goal EF-01 (Periodic Training on Penalty Regulations), and Objective 4 of Goal TR-04 (Results of Training Evaluation in Annual State of CUPA Report). Each of these items is tied to the lack of an annual "State of the CUPA" report. A full CUPA data analysis was forwarded by DTSC to Cal/EPA in FY 2005-06, but has not yet been forwarded from Cal/EPA to U.S. EPA. Regulations to standardize inspection frequencies were not implemented in FY 2005-06, but are being addressed as part of the Unified Program Regulatory Performance Model which will propose standardized inspection frequencies.

Many of the objectives within these broader goals are being met including: participation in, and forwarding of, evaluation reports and findings (OS-2 through OS-4), preparation of annual training calendar with class descriptions and coordination of information dissemination with CUPA training liaisons (TR-01 through TR-03), participation in task force meetings (EF-03), and activities such generation of the Violation Classification Guidance Document to ensure inspection reports and violation citations are adequate (IN-02 and IN-03).

The majority of the Goals and Objectives set forth in the Strategic Plan are addressed through review of CUPA performance during evaluations. Evaluations include file review to ensure Goals IN-01 through IN-05, and EF-01 and EF-02 are being met. As noted in the next section, the deficiencies and recommendations made during the evaluations are focused on improvement in these areas for each CUPA being evaluated.

G. PERIODIC EVALUATIONS OF LOCAL CUPA PROGRAMS

CUPAs are typically considered for evaluation once every three years. The purpose of the evaluation is to assess performance and provide advice for program improvement. The selection process was changed this year to allow for more efficient evaluations of each CUPA, and to have each State agency decide if their participation was warranted based on that agency's selection criteria. Cal/EPA scheduled 29 evaluations in FY 2005-06. SCD participated in 18 of the 29 CUPA program evaluations in FY 2005-06. Eleven agencies were not formally evaluated by DTSC because the numbers reported in annual inspection and enforcement reports showed they were performing well.

Final evaluation results for this fiscal year show seven CUPAs met or exceeded expected performance standards. Nineteen CUPAs were rated as satisfactory with program improvements needed. And, three CUPAs were rated as unsatisfactory with program improvement plan implemented. Problems reported during the CUPA evaluations included poor data reporting, discrepancies between number of enforcement-warranted violations and number of enforcement actions, concerns regarding penalty calculation and collection, and poor performance during previous oversight inspections.

Performing CUPAs include:

- City of Berkeley
- City of Sunnyvale
- City of Victorville
- Sacramento County
- San Mateo County
- Solano County
- San Joaquin County

CUPA having formal reviews in FY 2005-06 include:

• El Dorado County	08/02/2005
• Humboldt County	08/16/2005
• Mendocino County	08/17/2005
• Yuba County	08/23/2005
• Santa Clara County	09/20/2005
• City of Santa Clara	09/22/2005
• City of Gilroy	10/12/2005
• Tulare County	10/18/2005
• Shasta County	10/25/2005
• San Bernardino County	11/07/2005
• Contra Costa County	11/15/2005
• Alpine County	12/06/2005
• City of Vernon	01/26/2006
• Yolo County	01/31/2006
• City of Glendale	03/15/2006
• Tuolumne County	03/22/2006
• City of Los Angeles	04/12/2006
• Riverside County	04/26/2006
• Monterey County	05/16/2006
• San Benito County	05/18/2006
• Madera County	06/06/2006
• Fresno County	06/21/2006

The most commonly cited deficiencies found during the evaluations in which SCD participated, were: failing to ensure return to compliance through business certification or re-inspection (12 of 18); improper classification of violations (6 of 18); not meeting stated or required inspection frequencies (12 of 18); failing to take enforcement where warranted (4 of 18); and, problems encountered during the oversight inspection (4 of 8). Three agencies were cited for having deficient enforcement programs. Problems encountered with enforcement programs included not having an Administrative Enforcement Order process, failing to document settlement of enforcement cases, and allowing more than statutory limits for correction of violations. One agency was cited for not having a plan to address Universal Waste handling and handlers.

During evaluations, recommendations for program improvement are made to each program separate from those discovered deficiencies. The recommendations provided were overwhelmingly pointed at the quality of inspection reports. Five agencies were given recommendations to update or improve their Administrative Order Process, and four were noted to have discrepancies between their reported inventories of generators and DTSC's HWTS inventory of generators. The oversight inspections led to an additional three recommendations, two dealing with inspector application of the rules, and one with the documentation of the inspection findings.

There are seventeen evaluations scheduled between July 1 and December 31, 2006. DTSC plans to participate in eight of the evaluations. The majority of agencies not being evaluated by DTSC are CUPAs that were certified in 2002, which are small, rural agencies with small inventories of generators, one or zero RCRA LQGs, and poor or no data to evaluate.

III. COMPLAINT INVESTIGATIONS

DTSC received 610 formal complaints during FY 2005-06 for incorporation into the complaint log. The complaint triage resulted into the following actions:

ACTION	Northern California	Southern California	Total
Referred to CUPA	156	213	369
Referred to Local Enf. Agencies	6	22	28
Referred to EPA	1	15	16
Referred to Other State Agencies	0	5	5
Investigated/Under Investigation by SCD	19	51	70
Evaluated w/No Further Action/Pending	36	10	46
Referred to other DTSC Programs:			
Permitting	0	0	0
CIB	38	17	55
Task Force Investigations	11	7	18
Site Mitigation	2	0	2
GISS	1	0	1
TOTAL Complaints Received	270	340	610

The number of complaints received statewide this year was similar to the previous year with a slight decrease of 4.7%. SCD expects, however, to see an increase in the number of complaints received and logged in FY 2006-07 resulting from increased public use of the new Cal/EPA Internet complaint form that resides on all Cal/EPA boards, departments and office web pages. Additionally, SCD is developing concepts to advertise and promote public use of the new web-based complaint form as well as the existing Waste Alert Hotline toll free phone number.

	Fiscal Year 2003-04	Fiscal Year 2004-05	Fiscal Year 2005-06
Complaints Received	726	640	610

IV. ENFORCEMENT ACTIVITIES

A. Formal Enforcement

SCD initiated formal enforcement actions (settled cases, unilateral orders issued, or complaints filed) in 91 cases. SCD settled 80 of the 91 cases through civil or administrative action, resulting in fines and penalties totaling \$1,698,108.00.

There are an additional 14 cases where enforcement action has been initiated but are not listed in the table below. SCD sent two draft Enforcement Orders and six draft Consent Orders to alleged violators, and made 10 formal enforcement referrals to the California Office of the Attorney General. One of the cases where a draft Consent Order was sent was later dropped. Negotiations for the other cases are in progress.

	Fiscal Year 2003-04	Fiscal Year 2004-05	Fiscal Year 2005-06
Number of Cases Settled	54	74	80
Total Settlement	\$3,108,635	\$3,995,871	\$1,698,108

The following table identifies each of the formal enforcement cases where SCD took action. Specific narratives for each case are found in Appendix B.

Name of Facility	Date of Inspection	Identification Number	a. Settled Date b. Referred Date c. Order Issued (Unilaterally) d. Complaint Filed e. Draft Order Sent	Number of Days from Inspection Date to Initiation of Enforcement Action	Settlement Amount
A.Q. Management & Control	5/14/04	CAL920974114	(a) 5/25/06 (e) 9/14/05	488	\$2,000
A-American Environmental	9/30/99	CAD089446710	(a) 11/14/05 (b) 8/9/00 (c) 7/18/00 (d) 3/14/01	292	\$600,000
Abatement Service Operations	9/30/04	CAL000827827	(a) 12/1/05 (c) 9/1/05	336	\$14,000
Abbott's Waste Oil Service	5/11/04	CAD981373665	(a) 5/25/06 (c) 12/6/04	209	\$7,000
All Phase Environmental	8/9/04	CAL000253361	(a) 9/9/05 (e) 7/21/05	346	\$10,356
Amber Resources	1/27/05	CAL920974114	(a) 10/14/05 (e) 8/24/05	209	\$5,000

Name of Facility	Date of Inspection	Identification Number	a. Settled Date b. Referred Date c. Order Issued (Unilaterally) d. Complaint Filed e. Draft Order Sent	Number of Days from Inspection Date to Initiation of Enforcement Action	Settlement Amount
Amberwick Corporation	1/10/06	CAL000827879	(a) 6/28/06 (e) 6/8/06	149	\$6,265
Ambitech International Inc.	8/24/04	CAD981385958	(b) 3/4/06 (d) 12/22/05 (e) 7/29/05	192	
American Industrial Services	5/7/04	CAR000036921	(a) 7/20/05 (e) 5/4/05	362	\$8,160
AMPAC/Aerojet Fine Chemicals	6/1/04	CAD000030494	(a) 11/28/05	546	\$0
Apple Computer, Inc.	2/14/05	CAD981386600	(a) 8/16/05 (e) 8/5/05	172	\$500
ARC International	12/14/04	CAL000273749	(a) 10/31/05	321	\$32,000
ASE Contracting Inc.	11/14/05	CAL000252045	(a) 4/17/06 (e) 3/22/06	128	\$22,380
Atlas Pacific	2/11/04	CAL000074687	(a) 1/23/06 (c) 4/25/05	439	\$15,000
AX-IT International	1/23/06	CAR000088021	(a) 6/28/06 (e) 6/27/06	155	\$10,000
Baires Jr. Trucking	12/11/03	CAR000108605	(a) 7/7/05 (b) 8/13/04 (e) 5/26/04	174	\$27,600
Bare and Garcia Express, Inc.	12/14/04	CAR000115295	(a) 7/29/05 (e) 7/14/05	212	\$2,000
Brenntag Pacific	8/4/04	CAT080011802	(a) 8/17/05 (c) 1/24/05	173	\$17,500
Brittall Environmental Technologies	8/12/04	CAD982434037	(a) 4/7/06 (e) 3/23/06	589	\$10,620
Cal Energy Operating Co.	7/31/00	CAD983648437	(b) 3/12/02 (d) 7/28/05	589	
California Hazardous Services	1/19/06	CAR000152785	(a) 6/28/06 (e) 6/8/06	140	\$4,840
Carnevale's Construction	3/10/05	CAR000034504	(a) 11/4/05 (e) 10/24/05	228	\$11,000
Chrome Tech	2/20/04	CAD981463110	(b) 2/14/06 (c) 6/23/06	724	
Cleantech Environmental	4/7/05	CAD008493322 CAL000203445	(a) 8/19/05 (e) 7/21/05	105	\$4,500
Cole's Services	7/19/05	CAL000268462	(a) 6/29/06	345	\$11,000
ConocoPhillips, Carson	4/3/02	CAD980881676	(a) 9/28/05 (e) 5/12/05	1135	\$22,500
Demenna/Kerdoon	6/12/02	CAT080013352	(a) 11/21/05 (e) 7/6/05	1120	\$13,500
Demenna/Kerdoon	5/19/05	CAT080013352	(a) 3/24/06 (e) 1/10/06	236	\$9,000

Name of Facility	Date of Inspection	Identification Number	a. Settled Date b. Referred Date c. Order Issued (Unilaterally) d. Complaint Filed e. Draft Order Sent	Number of Days from Inspection Date to Initiation of Enforcement Action	Settlement Amount
Dillard Environmental Services	8/21/03	CAD982523433	(a) 11/30/05 (e) 8/29/05	738	\$6,500
E- Recycling	9/30/04	CAL000276332	(a) 11/3/05 (e) 9/22/05	357	\$32,000
Ecology Control Industries	11/6/03 (Berkeley) 10/19/04 (Cypress)	CAD009466392 CAD982030173	(a) 05/15/06 (b) 12/3/04 & 6/10/05 (e) 2/17/06	392/234	\$100,000
Electronic Partners	7/27/04	CAL000268784	(c) 11/3/05 (e) 7/20/05	358	
Esparza Welding	4/7/98	CAL000201050	(a) 1/11/06 (b) 3/9/01 (c) 1/29/02	1067	\$50,000
Evergreen Environmental Services	2/17/05	CAD981696420	(a) 9/21/05	216	\$13,000
Evergreen Oil	7/21/05	CAD980887418	(a) 6/5/06	319	\$9,000
Exide Technologies	5/25/04	CAD097854541	(a) 11/15/05 (c) 9/14/05	477	\$9,500
Fresh Air Environmental Services	1/19/06	CAL000112617	(a) 5/30/06	131	\$4,000
G & K Services	6/15/05	CAD981426760	(a) 5/3/06 (e) 4/13/06	302	\$32,450
Gardena Specialized Processing	11/15/05	CAD981384837	(b) 4/12/06 (c) 6/16/06	148	
GATX Rail	3/29/05	CAD055698815	(a) 2/17/06 (c) 10/28/05 (e) 6/23/05	86	\$10,000
Graybill Metal Polishing	10/18/05	CAD981450760	(b) 2/6/06 (c) 4/7/06	111	
Havens and Sons Trucking	3/29/05	CAL000188892	(a) 12/8/05 (e) 12/2/05	248	\$27,500
Hayden Industrial Products	12/14/05	CAD063111769	(a) 5/30/06 (e) 5/10/06	147	\$14,500
Higuera's OK Trucking	6/27/05	CAL000266696	(a) 2/8/06 (e) 1/26/06	213	\$8,000
HSR, Inc.	4/27/04	CAL000280137	(a) 9/8/05 (c) 12/7/04 (d) 7/27/05 (e) 9/17/04	143	\$10,000
Imery Transportation	1/23/06	CAR000148197	(a) 5/5/06 (e) 4/27/06	94	\$9,920
Indalex Aluminum Solutions	1/11/05	CAD982583896	(a) 6/2/06 (e) 5/2/06	487	\$32,060

Name of Facility	Date of Inspection	Identification Number	a. Settled Date b. Referred Date c. Order Issued (Unilaterally) d. Complaint Filed e. Draft Order Sent	Number of Days from Inspection Date to Initiation of Enforcement Action	Settlement Amount
Insight Designs	3/16/05	CAR000044669	(a) 11/29/05 (b) 6/2/05	78	\$8,135
Intercoastal, LLC	6/28/04	CAT080022148	(c) 6/13/06 (e) 1/19/06	570	
James Crooks Trucking, Inc.	9/20/05	CAD981404015	(a) 1/10/06 (b) 11/8/05	49	\$3,000
JDS Uniphase Corp	2/16/05	CAD009110768	(a) 7/18/05	140	\$15,500
JEM Industries	11/21/05	CAR000168633	(a) 6/13/06 (e) 4/25/06	155	\$9,000
Lange America	7/28/05	CAL000281221	(a) 10/17/05 (e) 9/15/05	49	\$12,000
Lassen Municipal Utilities district	10/18/04	CAD981412521	(a) 12/14/05	422	\$9,000
Lighting Resources	9/21/05	CAR000156125	(a) 2/10/06 (e) 12/20/05	90	\$4,000
Lodi Chrome	12/22/03	CAR000143776	(a) 4/26/06 (b) 5/13/04 (c) 9/7/05	143	\$55,000
Los Angeles Dept. of Water & Power	4/20/04	CAD000633305	(a) 7/14/05	423	\$20,020
M & J Trucking	4/14/05	CAR000092544	(a) 2/16/06 (e) 10/21/05	190	\$10,000
Metropolitan Water District of So. California	9/16/04	CAD981425598	(a) 1/3/06 (e) 7/27/05	314	\$2,100
NRC Environmental	5/18/05	CAD082699562	(a) 11/29/05 (e) 10/21/05	156	\$8,832
Nu-Cool	5/25/05	CAL00027545	(a) 11/4/05 (e) 10/11/05	139	\$9,000
Offshore Crane & Service	12/22/05	CAD054834072	(a) 6/8/06	168	\$16,000
P. Kay Metal	1/19/05	CAL000024110	(a) 1/12/06 (e) 12/21/05	336	\$4,500
Pacific Aerospace	11/5/03	CAD000819730	(b) 2/17/04 (c) 6/9/05, 7/6/05	104	
Palo Alto Unified School District	6/28/04	None	(a) 9/16/05 (b) 8/29/05	427	\$5,000
Purgreen Environmental	7/26/04	CAL000208424	(a) 5/17/06 (b) 4/21/05 (c) 1/25/06 (e) 3/29/06	269	\$18,500
PW Stephens	3/10/05	CAR000050815	(a) 8/15/05 (e) 7/27/05	139	\$2,200

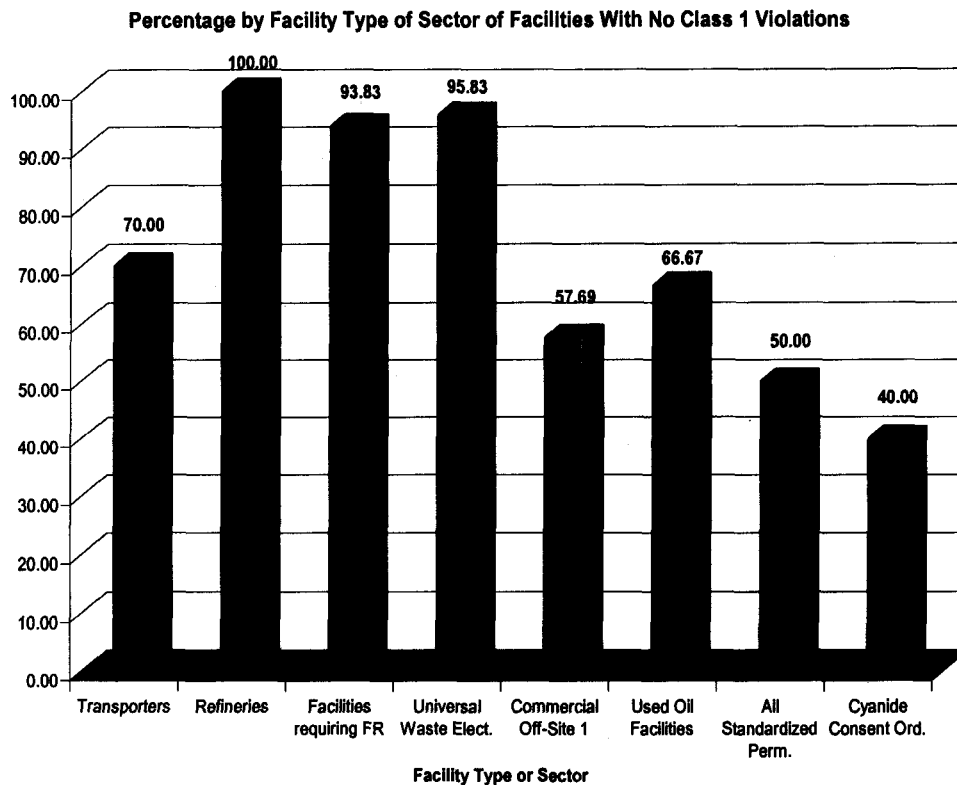
Name of Facility	Date of Inspection	Identification Number	a. Settled Date b. Referred Date c. Order Issued (Unilaterally) d. Complaint Filed e. Draft Order Sent	Number of Days from Inspection Date to Initiation of Enforcement Action	Settlement Amount
Quaker City Plating & Silversmith	3/15/02	CAD008506065	(a) 4/17/06 (b) 7/26/04 (e) 8/24/05	863	\$34,875
Quality Carriers	6/15/05	FLR000057414	(a) 3/14/06	272	\$16,000
R.L.T. Enterprises	8/9/05	CAR000112375	(a) 2/14/06 (e) 9/23/05	45	\$3,320
Reno Drain Oil Service	7/21/05	NVD980893663	(a) 1/10/06 (e) 11/30/05	132	\$12,500
Rim S.A. De C.V. (RIMSA)	7/7/04	TXR000020925	(a) 9/27/05	447	\$2,000
Romic Environmental Corp.	6/5/06	CAD009452657	(a) 6/15/06	10	\$0
RTR Industries dba Grant Piston Rings	5/12/05	CAD981674906	(c) 3/15/06	307	
Safety-Kleen Systems, Inc. (El Monte)	2/24/05	CAT000613893	(a) 11/30/05 (e) 9/16/05	204	\$12,000
Safety-Kleen Systems, Inc. (Los Angeles)	10/21/05	CAT000613935	(a) 4/10/06	171	\$1,500
Safety-Kleen Systems, Inc. (Santa Ana)	10/11/05	CAT000613976	(a) 6/28/06 (e) 5/25/06	226	\$16,269
Service First Environmental	5/23/06	CAL000255542	(a) 6/30/06 (e) 6/26/06	34	\$29,925
Shell Solar Industries LP	9/22/05	CAD000626655	(a) 11/21/05 (c) 11/8/05	48	\$8,000
Smith Systems Transportation	6/23/05	NED986382133	(a) 12/19/05	179	\$20,161
TP Industrial	6/25/03	CAD097465132	(a) 11/17/05	876	\$9,120
Trident Plating	10/26/04	CAR000083865	(a) 7/5/05 (b) 2/8/05 (d). 3/16/06 (e) 5/10/05	105	
Tri-Valley Coolant	4/19/05	CAL000259460	(a) 1/6/06 (e) 8/29/05	132	\$6,000
TSM Recovery & Recycling	10/21/04	CAD108040858	(a) 10/25/05 (e) 9/15/05	329	\$13,000
U.S. Circuit	10/15/03	CAD980673347	(a) 5/18/06 (c) 10/18/04, 6/14/05	367	\$25,000
U.S. Filter	10/24/03	CAD097030993	(a) 7/12/05 (e) 2/24/05	489	\$10,500
U.S. Filter	6/30/05	CAD097030993	(a) 6/15/06 (e) 3/21/06	264	\$23,000

Name of Facility	Date of Inspection	Identification Number	a. Settled Date b. Referred Date c. Order Issued (Unilaterally) d. Complaint Filed e. Draft Order Sent	Number of Days from Inspection Date to Initiation of Enforcement Action	Settlement Amount
Ultima Circuits (Progressive Circuits)	1/7/04	CAD983576760	(a) 6/26/06 (b) 11/16/04 (c) 2/7/06	285	\$4,000
V-M Enterprises Inc. (dba Crocker Plating Works)	10/27/04	CAD021858063	(b) 2/16/05 (c) 6/16/06 (e) 3/23/06	112	
Waste Management of Alameda County	7/08/04	CAD982347098	(a) 8/01/05 (e) 7/11/05	370	\$4,000
West Contra Costa Sanitary Landfill	11/1/05	CAD041844002	(c) 2/2/06	94	\$0
Number of Cases Settled: 80			Total Settlement: \$1,698,108		

B. Compliance Indicators

The bar graph below reflects compliance rates among various industry sectors that are inspected by SCD. This is core work of regularly scheduled inspection activities. It does not include inspections or enforcement actions that resulted from complaints. SCD routinely inspects all refineries; and, generator inspections at refineries had the highest compliance rate. This data reflects the results of 13 refinery inspections in FY 2005-06 out of the 27 refineries in the State. Data on e-waste handlers show that this sector is performing well in that over 95% of the inspected handlers had no class 1 violations. The sectors with the highest number of reported class 1 violations were the cyanide consent order facilities group at a 60% non-compliance rate, and the standardized permit group at a 50% non-compliance rate. Only 5 of the 166 cyanide consent order facilities were inspected in FY 2005-06. Alleged class 1 violations were found at 3 of the 5 cyanide consent order facilities. And, only 12 of the 33 standardized permit facilities operating in the State were inspected. Of the 12 standardized permit facilities that were inspected, 6 had alleged class 1 violations. The compliance indicators derived for both of these apparently lower performing facility groups come from a statistically small sample population which may therefore not accurately represent the sector as a whole. Nonetheless, the higher non-compliance rates for these two groups is of significant concern and raises SCD's inspection priority for these sectors. Additionally, the transporter data indicates only a 70% compliance rate. The higher incidence of class 1 violations (30%) is because many of the inspections and subsequent enforcement actions were the

result of targeted efforts directed by review of manifests documents for irregularities. Sixty transporters were inspected and 18 had class 1 violations out of over 850 transporters in the regulated universe. SCD will continue to evaluate indicator statistics and to use this information when setting inspection priorities.



C. Other Enforcement Activities:

AAD Distribution and Dry Cleaning Services, Inc., City of Vernon, (Los Angeles County): CAD981395486. On January 24, 2006, Bezaad Kahoolyazadeh (a.k.a. Bezaad or David Cohen), CEO of National Resources, and a co-conspirator in the AAD Distribution Dry Cleaning Services (AAD) case was sentenced to 37 months in federal prison and 1.29 million dollars in restitution for his part in the AAD case. AAD was investigated by SCD and TFIS in 1999 and 2000, and was one of the largest handlers of dry cleaning waste in California until it was shut down in January of 2001.

Baires, Sr. Trucking, City of Bakersfield, (Kern County): CAR000112425 (complaint, non-RCRA). Baires, Sr., operated as Baires Trucking with his son, Baires, Jr., and were cited individually for hauling hazardous waste without proper transporter registration and required liability insurance for extended periods of time. The business was inspected on August 27, 2003; and, a draft Enforcement Order was sent to Baires, Sr. on July 26, 2004. SCD received a signed certificate from the U.S. Postal Service indicating that Baires, Sr.

accepted delivery of the draft Enforcement Order on July 31, 2004. A Notice of Defense was signed by Mr. Baires, Sr., during a meeting at the DTSC Clovis Office on August 27, 2004, beyond the fifteen days specified to keep the Order from becoming a final Enforcement Order. The Attorney General's Office is filing papers with the Court to enter a final judgment. Additionally, Clovis staff retrieved certified copies of information from the Kern County Tax Assessor's Office and the Hall of Records on June 9, 2006. These legal papers will be filed with the Court to attempt to place a lien on personal properties owned by Baires to collect the penalties owed to DTSC.

Tamco Steel, City of Rancho Cucamonga, (San Bernardino County): CAD982361404. On November 21, 2005, soil excavation was performed under an SCD approved Clean-Up/Health and Safety Plan to remove heavy metal contamination from the facility. The contaminated soil was the result of improper scrap metal storage at the facility. A new program was also implemented in which all scrap metal received is stored on paved storage pads. This was prompted by an SCD sampling inspection conducted in January of 2005, the results of which showed elevated as well hazardous waste levels of heavy metals in the soil at the Tamco facility. An enforcement action is pending.

V. DATA ENTRY, MANAGEMENT & REPORTING

Data Entry and Management

During FY 2005-06, DTSC worked with U.S. EPA to provide complete and accurate data on State inspections conducted, violations detected and enforcement actions taken. DTSC translates data from the Inspections, Complaints, and Enforcement (ICE) data system to the RCRAInfo data system. DTSC does not translate complaint data from this system at this time.

During the first quarter, Office of Environmental Information (OEIM) staff and Regulatory and Program Development Division (RPDD) staff determined that there was a structural flaw in the ICE data system that prevented DTSC from accurately reporting changes to the data system regarding some violations. A programming solution for this problem was developed and implemented during this quarter. However, staff determined that there was no existing method to ensure that data that had previously been uploaded to RCRAInfo Version 2 was accurate. Based on this information, staff determined that a full upload of all data for the period from January 1, 1999 to the current data had to be done to ensure that data from ICE was accurately placed in RCRAInfo.

During this time RCRAInfo Version 3 was scheduled to be implemented. However, due to various problems with the system, RCRAInfo Version 3 was delayed until the second quarter. With the delay in the implementation of RCRAInfo Version 3,

U.S. EPA, Region 9 staff requested that DTSC provide the end-of-year data by October 7, 2005. Therefore, with the assistance of U.S. EPA staff at Region 9, a complete data upload was performed on September 30, 2005.

As part of this data upload period where the data system had to be taken off-line for the time when the data was being verified, OEIM staff implemented new programming to establish the automatic sequence numbering in ICE for the various tables that require these numbers for reporting to RCRAInfo. Other programming changes were implemented to correct some minor problems. These programming changes decreased the amount of time that it takes to create flat files for future data uploads.

During the second quarter of FY 2005-04, U.S. EPA again delayed the scheduled implementation of RCRAInfo Version 3. As a consequence of this delay, conversion of the ICE data system to be consistent with RCRAInfo Version 3 was delayed to allow the ICE to remain consistent with the version of RCRAInfo that was in place. Permanent programming changes and global conversion of ICE data will be necessary to make ICE consistent with RCRAInfo, Version 3. Once that conversion is completed data could not be uploaded from ICE to RCRAInfo, Version 2.

DTSC began implementing changes to the ICE data system to allow the system to be consistent with RCRAInfo Version 3. These are modifications to the tables in ICE that establish new violation areas and revise inspection types. These modifications can be placed in tables without actually implementing them.

U.S. EPA Region 9 staff requested another upload of RCRAInfo Version 2 data in December of 2005. During the week of December 15, 2005 DTSC provided data to U.S. EPA for an upload of data to RCRAInfo Version 2. However, the RCRAInfo servers were down and Region 9 staff was not able to upload the data at that time.

DTSC staff reviewed data conversion issues regarding current State enforcement types based on a report by U.S. EPA Headquarters staff. The issue of the State's enforcement types 100 and 102 were discussed with U.S. EPA in December and they were identified as a problem. These issues were discussed in the ICE Database Work Group meetings and an issue memorandum was prepared and circulated with management of the Statewide Compliance Division. The problem with this enforcement type and the 102 enforcement type is that these were State defined enforcement types allowed in RCRAInfo Version 2; but, State defined enforcement types are not allowed in RCRAInfo Version 3.

State enforcement type 100 allowed DTSC to connect multiple inspections of a single facility, where multiple violations were observed, to a single series of enforcement actions beginning with an enforcement order. State enforcement type 102 allowed DTSC to connect multiple inspections of different facilities (generally with the same owner), where multiple violations were observed, to a single series of enforcements beginning with an enforcement order. However, with the change in

RCRAInfo, DTSC cannot readily translate this data to RCRAInfo Version 3. These issues were discussed with U.S. EPA in February 2006.

During the fourth quarter of FY 2005-06, U.S. EPA Headquarters reopened RCRAInfo Version 2 in April and announced an indefinite delay in implementing RCRAInfo Version 3. U.S. EPA requested a new data upload by April 19, 2006. DTSC completed the first upload of partial data (i.e. that data which had changed since the last upload) for RCRAInfo Version 2 by April 28, 2006. By May 24, 2006, DTSC completed the first upload of deleted records to remove records that were inaccurate from RCRAInfo. U.S. EPA, Region 9 staff assisted in uploading the flat files and prepared a QA/QC file for DTSC review for errors.

During the first week of June, the delayed implementation of RCRAInfo Version 3 occurred. Because of the significant delays in implementing RCRAInfo Version 3 and the unresolved issue regarding State enforcement type 100 and the translation of this data to RCRAInfo Version 3, DTSC has not implemented changes to ICE to make it compatible with RCRAInfo Version 3. Until this issue is resolved, DTSC will not be able to convert to RCRAInfo Version 3 compatibility and will not be able to translate data to RCRAInfo Version 3. It is anticipated that this matter will be resolved during the first quarter of the next fiscal year.

This topic is also addressed in the Regulatory and Program Development Division's End of Year Report.

VI. MISCELLANEOUS ACTIVITIES

A. COMPLIANCE ASSISTANCE

SCD Compliance Assistance activities conducted in FY 2005-06 included consultations with members of the regulated community and responding to individual telephone calls and letters from persons posing specific compliance-related questions.

B. COMPLIANCE INCENTIVES—Self-Disclosure

DTSC received, evaluated or closed the investigation of 14 Self-Disclosure Notifications. The list below identifies facilities and businesses that were the subject of self-disclosure investigations. Please see Appendix C for specific paragraph information on these investigations.

- Amberwick Corporation, Los Angeles County
- Apple Computer, Inc., Santa Clara County
- Asbury Environmental Service, San Diego County
(Three disclosures: 03/16/05, 12/27/05, 04/04/06)
- Exxon/Mobil, Los Angeles County
- Hereaus Metal Processing, Los Angeles County
- Metropolitan Water District of Southern California, Riverside County

- Norcal Waste Systems, Inc., Yuba County
- Remedy Environmental, Orange County
- Shell Martinez Refinery, Contra Costa County
- Tesoro Golden Eagle Refinery, Contra Costa County
- United Airlines, Los Angeles International Airport, Los Angeles County; and, San Francisco International Airport, San Mateo County
- University of California, Berkeley, Alameda County

C. TASK FORCE INVESTIGATIONS SUPPORT BRANCH

The Task Force Investigation Support Branch continued to support 41 local task forces during FY 2005-06, by attending monthly meetings, including federal task forces, and providing sampling and technical advice. A total of eight Task Force Investigations Support Branch cases were settled. Three cases were prosecuted and resolved by District Attorneys and five cases were pursued and resolved by DTSC and/or the Attorney General's Office. The list below identifies the specific cases that were settled. For detailed narratives describing the settled cases, please see Appendix D.

- Allen Property/Jaeger Construction, Butte County
- Asbury Environmental Services, Los Angeles County
- MP Associates, Amador County
- Oakland Fire Department, Alameda County
- Prime Environmental Services Company, Los Angeles County
- Reynolds Systems, Lake County
- Robison-Prezioso, Inc., San Francisco County
- Stockton Pacific Enterprises, Inc., Humboldt County

Task Force Investigations Support Branch Activities Recap Fiscal Year 2005-06

Activity	Number
County and Regional Enforcement Mtgs. Attended	227
Site Inspections	191
Sampling Events	418
Inspection Warrants Completed	8
Search Warrants Assisted	49
Interviews	57
Case Settlement Meetings	48

D. PORT OF ENTRY (Import and Export of Hazardous Waste)

During the FY 2005-06, SCD received 99 import notifications, and 42 export notifications for the Port of Entry (POE) program. Data from the notifications and

reports are continuously being entered into the POE database. Two POE inspections were conducted.

On August 3, 2005, SCD conducted a POE inspection associated with U.S. Department of Defense, Defense Reutilization and Marketing Services (DRMS) imported DRMS TSCA-regulated waste. The TSCA waste consisted of Polychlorinated Biphenyl (PCB) contaminated transformers and electrical equipment imported from U. S. Military operations in Japan. Seven out of a total of 22, 60-foot containers contained the PCB contaminated waste. The waste arrived at the Port of San Pedro on August 1, 2005, and was off-loaded on August 2, 2005.

SCD also inspected two containers of the waste at the Patriot Environmental Services facility (a subcontractor). Subsequently, Tri-State Motor Transit transported the waste to the Clean Harbors facility in Kansas. No violations were observed.

Emphasis was placed on tracking imported and exported wastes. Import notices were reviewed and the receiving California facilities were checked to assure that they were permitted to accept the wastes in question. Information identifying the types and volumes of wastes imported and exported, and the companies that import and export hazardous wastes were retained.

E. MANIFEST ENFORCEMENT COORDINATION

Manifest Enforcement activities involve maintaining legal consistency with federal manifesting regulations and the development and use of reports from the manifest data system as a compliance tool.

Regulations: In FY 2005-06, RPDD and SCD developed state regulations and outreach activities to implement federal manifest regulations that take effect on September 5, 2006. RPDD prepared regulations and statutory changes to integrate the new federal changes into more stringent state requirements, as well as amend state regulations for recent changes in related statutes. RPDD presented training at the CUPA Conference in February 2006, held two workshops in March 2006, and submitted the revised state regulations to the Office of Administrative Law on July 21, 2006. The regulations are scheduled to be adopted on September 1, 2006.

In addition, RPDD and SCD developed training materials and web resources that are posted on two DTSC web sites: www.dtsc.ca.gov/IDManifest/Manifests.cfm and www.dtsc.ca.gov/LawsRegsPolicies/Regs/Manifest_Changes_regs.cfm. Supplemental California Manifest Instructions were mailed to 123,000 companies in June 2006. DTSC is also presenting manifest training workshops to businesses in conjunction with the California Waste Association. Over 30 workshops were presented in the summer period. In addition, DTSC is modifying

the Hazardous Waste Tracking System (HWTS) to capture new fields and changes made by the new federal manifest.

HWTS: HWTS reports enable DTSC to study business patterns that point to potential violations and target specific violators. DTSC, U.S. EPA, and Certified Unified Program Agencies (CUPAs) use manifest enforcement tools in their daily work to prepare for inspections, support issuance of enforcement orders, develop probable cause to support search warrants, and aid in criminal and civil cases during trials and negotiations. The system is also used in state and local revenue collection.

The HWTS contains data on almost 500,000 annual manifested shipments, 120,000 active EPA identification numbers, and over 850 active transporters (numbers approximate). The Manifest Enforcement Coordinator submitted two complaints based on manifest data resulting in one Class I violation and provided early targeting support to the SCD Glendale Branch's Transporter Initiative Project.

Problems continue with HWTS resulting in inaccurate tonnage and manifest counts for many facility and macro level reports. Data loading problems create virtual duplicates and DTSC's Office of Environmental Information Management and the Generator Information Services Section continue to diagnose the problems. Converting HWTS to receive the new federal manifest was the top priority and is undergoing final testing. Manifests on other states' forms have not reliably loaded since 2002.

A project to identify and notify transporters manifesting with expired state transporter registration identified violations and lead to one criminal investigation for altering the date on a registration.

F. OTHER ACTIVITIES

1. Criminal Investigations Branch (CIB) Assists:

SCD performed five CIB assists involving multi-day sampling, wrote a sample plan and a sampling report, issued a Fence and Post Order, and assisted with interviews and surveillance.

2. IMPERIAL COUNTY AND TRINITY COUNTY CUPA PROGRAM IMPLEMENTATION SUMMARY

BACKGROUND:

Senate Bill 1082 of 1993 created the Unified Program (UP) to establish consistent, consolidated and coordinated locally run agencies to oversee the management of hazardous materials and wastes. Specifically,

included are inspection, permitting, enforcement and administration of the following six program elements:

1. Hazardous waste generators and onsite treatment facilities authorized under the permit-by-rule conditionally authorized and conditionally exempt tiers
2. Spill prevention control and countermeasure plans for owners of above ground storage tanks
3. Under ground storage tank program
4. Hazardous material release response plans and inventories (Business Plans)
5. California Accidental Release Prevention Program (CAL/ARP)
6. Hazardous Materials Management Plans and Inventories

To date 56 of the 58 counties have had their programs certified by the California Environmental Protection Agency (Cal/EPA). In addition, 26 cities have had local agencies certified. Only Trinity and Imperial County failed to assume the program responsibilities.

The State worked for over 10 years from 1995 through the summer of 2005 to get Imperial and Trinity Counties to identify a local agency to implement the Certified Unified Program. In the summer of 2005, Cal/EPA informed the respective Boards of Supervisors that if they did not designate a local agency to run the program, the State would step in and become the Certified Unified Program Agency (CUPA). In the summer/fall of 2005, Cal/EPA and Department of Toxic Substances Control management met with the heads of various county agencies. The Counties were given an ultimatum to designate a local agency.

In January of 2005, DTSC was designated by Cal/EPA to implement the CUPA program in Trinity and Imperial counties with the understanding that full implementation could not commence until expenditure authority was obtained through the budget process. Budget approval authority was granted July 2005 and most of the staff positions were filled by January 2006. DTSC has been actively working since then to implement these programs.

A. IMPERIAL COUNTY IMPLEMENTATION ACTIVITIES:

Space has been procured and the office is now fully staffed, including a number of very qualified people with inspection and enforcement experience. An official "Open House" event was held in December 2005 to formally dedicate the office and provide an opportunity for businesses and other government agencies to meet the staff.

Initial outreach to industry started in April 2005 with a mail-out to over 500 potentially impacted entities. The number of facilities identified as possible participants now stands at over 1000, with 975 of these receiving program information packages.

One of the most controversial aspects of the program is funding. As of June over 1000 businesses had been billed close to \$1.2M in fees. This includes a total of 31 CalARP facilities that have been identified and almost 100 UST operations.

The second major challenge to this program is to educate the regulated community about the program and the laws and regulations that impact them. To this end, DTSC has done the following:

- Established a toll-free telephone number to answer inquiries.
- Created fact sheets in English and Spanish to explain the program
- Meet monthly with the County Farm Bureau and the Coalition of Labor, Agriculture and Business
- Responded to over 900 inquiries from generators, facilities, consultants and other interested parties
- Conducted informal workshops on the draft fees and how to complete required registration forms
- Conducted a series of 12 workshops that ranged from generator requirements to fees to pollution prevention training for the auto repair industry

With regard to actual program implementation staff have accomplished the following:

- Participates in regularly-scheduled County Fire Chief's Association meetings for coordination on Hazardous Materials Response activities and bi-monthly Hazardous Incident Response Committee meetings and California-Mexico border 2012 Meetings
- Re-established the Imperial County Environmental Crimes Task Force
- Conducted formal training for the farming community on filling out forms and supported compliance training.
- Reviewed 18 UST annual testing events, approved two new UST installations and approved four UST removal plans/actions.
- Responded to and conducted 17 complaint investigations
- Logged and followed up on seven reported hazardous materials releases including one involving five derailed train cars
- Created a Bi-Monthly CUPA Newsletter to distribute to the public.

- Developed InfraStructure for Envision Software Applications for Program Implementation
- Participated in the CAL-CUPA Forum Managers' Meeting

Imperial County CUPA Charts

The following charts are graphical representations of businesses in the Imperial County CUPA Universe. Chart 1 shows number of businesses by business type, and Chart 2 shows the average CUPA fees by business type.

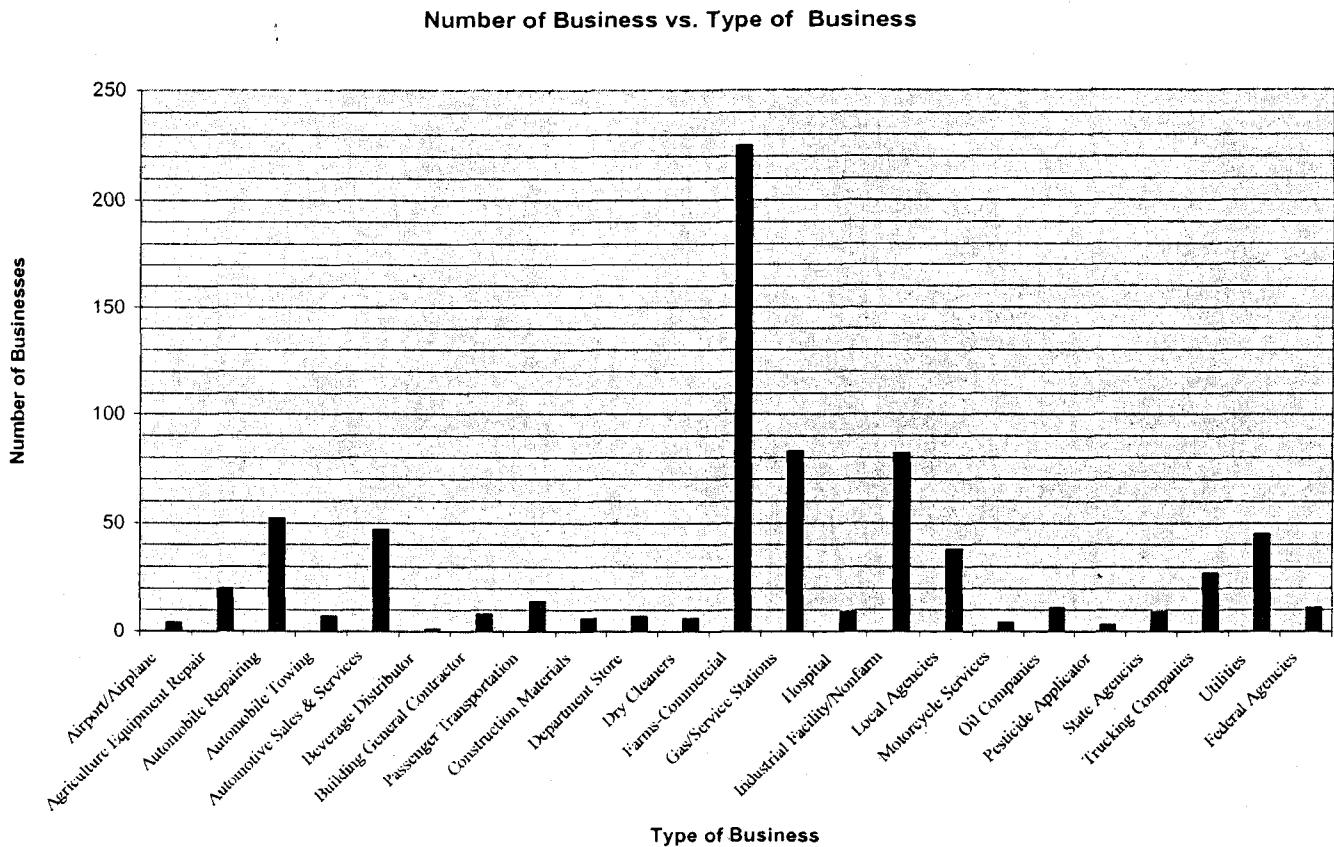


Chart 1. Type of Business vs. Number of Businesses for the Imperial County CUPA universe. Graphical representation of the predominant business categories established within the County of Imperial. Local businesses were verified and accounted for in accordance with the business category. Final business numbers reflect businesses that have been incorporated into the CUPA.

Type of Business and Associated CUPA Fees

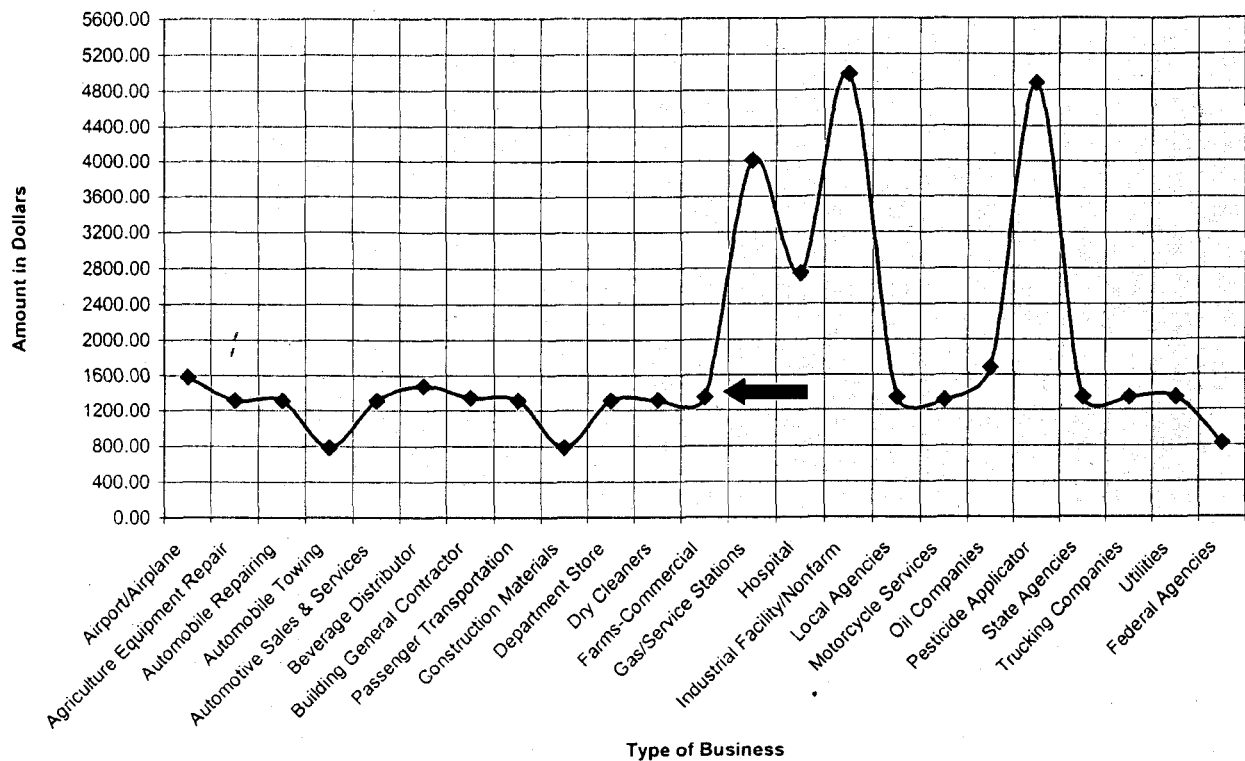


Chart 2. Type of Business vs. The Average CUPA Invoice Fee.

In an effort to address concerns of the local business community regarding the CUPA fees an assessment was made to better understand the distribution of fees among the various business categories. Major concerns of the CUPA fee scheduling were mainly addressed by the large agricultural community. The arrow located on the graph demonstrates the average fee for an agricultural business.

B. TRINITY COUNTY IMPLEMENTATION ACTIVITIES:

The Trinity County CUPA program is being run out of the Cal Center office of DTSC. The initial outreach and work on the hazardous waste generator element was initiated in the Spring of 2005. Formal work on other elements of the CUPA program commenced in July 2005.

There are approximately 100 entities regulated in the county including four CalARP facilities and 10 USTs. Trinity County has never issued business licenses so identifying who should be subject to the program elements has been something of a challenge.

Similar to Imperial County, a major challenge has been to make the regulated community aware of the program and educate them on the requirements. Towards this end the DTSC has done the following:

- Met with County officials, the regional CHP commander, local law enforcement officials, CDFA, US Forest Service and local fire officials (note: there is only one paid county fire official and the rest are volunteers)
- Established a toll free telephone number to answer inquiries
- Participated in a local radio talk show to discuss the program
- Provided information for articles in the local newspaper.
- Arranged for additional first responder training for locals
- Sponsored four one-day compliance school classes where over ¼ of the regulated businesses in the county received training
- Conducted two informal workshops on the CUPA program and proposed fees

With regard to actual program implementation staff have accomplished the following:

- Conducted five UST inspections and oversaw corrective actions. Also contacted the remaining UST's to schedule their annual inspections before January 2007.
- Collaborated with local officials to produce a County Area Plan
- Set up protocols with local responders to make business plan information readily available in times of need.
- Participated in a Task Force investigation of a local fire works manufacturer.
- Participated in Regional Emergency Planning meetings with officials from neighboring counties.
- Investigated one complaint involving illegal disposal of a leaking electrical transformer. Secured DTSC Emergency Response support in removing the material.
- Participated in the CAL-CUPA Forum Managers' Meeting

In addition staff resolved the vexing issue of how to determine the appropriate lower limit for propane tanks relative to business plan requirements.

Of the approximately 95 Trinity County CUPA regulated businesses tentatively identified during this fiscal year, the following table shows how many businesses are subject to each CUPA program:

CUPA Program	Approx. Number of Trinity County Businesses Subject to this Program
Business Plan/HazMat Plan/Inventory*	88
Hazardous Waste Generator**	52
California Accidental Release Prevention (CalARP)	4
Underground Storage Tank (UST)	10***
Aboveground Petroleum Storage Tank (AST)	29

* In Trinity County the Hazardous Materials Management Plan/ Hazardous Material Inventory Plan is covered by the Business Plan requirements.

** The Hazardous Waste Generator category also covers Hazardous Waste Tiered Permitting (HWTP). No HWTP regulated businesses have been found to-date in Trinity County.

*** One of these 10 businesses has USTs that are inactive and will be removed.

3. Other

Environmental Leadership Program

On April 8, 2006, SCD Glendale staff participated in an environmental conference sponsored by the Environmental Leadership Program (ELP) of Washington D.C. The conference is one of four that participants in a fellowship program attend as part of a two-year commitment to participating in environmental leadership training. An SCD inspector presented DTSC's electronic waste enforcement program, and answered questions from 25 emerging environmental leaders from throughout the United States.

Metal Finishing Association of Southern California (MFASC)

The Metal Finishing Association of Southern California (MFASC) invited SCD to participate in their annual Supplier Showcase 2006 in Montebello, California. SCD staff provided information on the import/export of hazardous waste and other issues to attendees and members of the MFASC. Currently, MFASC has approximately 250 members. This annual event brings together local and national suppliers in the metal finishing industry throughout southern California, and showcases innovative products and services. SCD participation in this event has indicated a positive interest and awareness of environmental issues by the MFASC.

North American Hazardous Materials Management Agency

SCD provided out-of-state training on September 21, 2005, during the North American Hazardous Materials Management Agency conference held in Tacoma, Washington. The presentation topic entitled, "Innovative Approaches to Regulation of Small Businesses," focused on implementation of the hazardous waste and CUPA programs in California. Thirty-five participants from nine states attended the training session.

VII. CALIFORNIA MEXICO BORDER PROGRAM

A. COORDINATION AND SUPPORT

SCD staff assisted brokers, Maquiladoras, importers of record, and environmental consultants in managing hazardous wastes that are imported to the United States through the California Ports of Entry (POE's). SCD staff provided interpretations on Federal and State laws and regulations and routinely answered questions regarding hazardous waste issues, Import/Export requirements, recycling requirements, and Department of Transportation (DOT) requirements.

Border 2012 California Waste and Enforcement Task Force, City of San Diego, (San Diego County). On December 15, 2005, SCD staff attended a California-Baja California Task Force workshop for the submission of project proposals to the Chairpersons from both the United States and Mexico. The project proposals involved air quality, water quality, environmental education, environmental health, emergency and response preparedness, hazardous waste, and enforcement.

Border 2012 California Waste and Enforcement Task Force, City of Chula Vista, (San Diego County). On April 4, 2006, SCD staff attended the Border 2012 California Waste and Enforcement Task Force meeting in the City of Chula Vista. The following agenda items were included: Reports by local, State and Federal Agencies (County Health Department, Regional Water Quality Control Board, Air Resources Board, Tribal EPA, Integrated Waste Management Board, DTSC, Department of Pesticide Management, Arizona Border Task Force, U.S. EPA, and U.S. Customs), Other Task Force Business, and an Enforcement Roundtable. The next meeting was scheduled for July 18, 2006.

Border 2012 California Waste and Enforcement Task Force, City of Chula Vista, (San Diego County). On April 5, 2006, SCD attended the Border 2012 California/Baja California Waste and Enforcement Task Force meeting in the City of Chula Vista. The following agenda items were discussed: Report on Waste Policy Forum Meeting held in Monterey, California on

February 8-9, 2006, Updates on Issues from Previous Meetings (i.e. Scrap tire clean-up, Metals y Derivates, and Green Business in Tijuana), Updates from Previous Meetings, New Issues and Announcements, and Enforcement Roundtable. It was announced that the next Border 2012 National Coordinators will be on April 26-27, 2006 in the City of Ensenada, Baja California Norte, Mexico. The next meeting was scheduled for July 19, 2006 in the City of Tijuana, Baja California Norte, Mexico.

San Diego County Department of Environmental Health Meeting, City of San Diego, (San Diego County). On August 4, 2005, SCD held a meeting with Romina Lopez, Hazardous Materials Specialist with San Diego County Department of Environmental Health, Hazardous Materials Division (DEH/HMD). The purpose of the meeting was to discuss the upcoming training courses to be held in four border cities, Tecate, Mexicali, Tijuana, and Ensenada, in Baja California. The following training courses will be provided by DEH/HMD: Import/Export of Hazardous Waste, and Proper Use of Personal Protection Equipment.

Meeting with U.S. EPA and San Diego County, San Diego, (San Diego County). On October 2, 2005, SCD staff met with County of San Diego staff, U.S. Customs and Border Protection staff as well as U.S. EPA staff to discuss a proposed sampling exercise at the Port of Entry at Otay Mesa. A plan was provided to the Acting Port Director from U.S. Customs and Border Protection that includes a vehicle going south bound that is intercepted by the Mexican Aduana and is returned to the Port of Entry. Once the appropriate procedures are understood and implemented, SCD staff and San Diego staff would collect "evidence" from this exercise and proceed with the "case" development. The purpose of this exercise is to know how to appropriately collect evidence that could be used in both Countries.

Meeting with Omega Industries (Associated with Adams Steel), Baja California, Mexico. SCD staff attended a meeting with Gary Adams, owner/operator of Omega Industries and brother of George Adams (President of Adams Steel, Anaheim, Orange County) at the Calexico office. The purpose of the meeting was to discuss the possibility of Omega taking a sample of intermediate processed auto shredder waste (ASW) to the Adams Steel facility in Anaheim. Mr. Adams is attempting to determine whether further processing of the ASW can economically be performed. Mr. Adams proposed to transport a 20-ton sample in one or two trucks to have the ASW passed through Adams Steel treatment unit in Anaheim to observe the quantity of stainless steel and other non-ferrous metals that are still in the sample. Mr. Adams will determine whether the quantity of stainless steel and non-ferrous metals is sufficient to have Adams construct a similar treatment unit for the ASW remaining in Baja California, Mexico. SCD management determined that Omega Industries should not import this hazardous waste into California.

Samex Environmental Services, Inc., City of San Diego, (San Diego County): CAR000113324. On March 20, 2006, SCD staff and the San Diego County Department of Environmental Health staff hosted a meeting with representatives from Samex Environmental Services, Inc. (Samex) to discuss the circumstances involving a rejected shipment of consolidated hazardous waste at the San Luis, Arizona Port of Entry. In addition the meeting participants reviewed and discussed DTSC's Summary of Violations (SOV) issued to Samex on February 24, 2006, for non-empty container violations. Other issues discussed include: how consolidated shipments of hazardous waste from Mexico will be imported into the United States. The group discussed how to ship nitrous cellulose to a facility in North Carolina for recycling. The facility in North Carolina will accept the loads on a HW manifest; consequently SCD staff advised Samex that the use of a manifest is the optimal way to ship the load through California.

Meeting with the County of San Diego, U.S. Customs and Border Protection and Samex Environmental Services, City of San Diego, (San Diego County). On May 22, 2006, SCD staff attended a meeting with representatives from San Diego County, US Customs and Border Protection, and Samex Environmental Services (Samex) to discuss the following issues: accumulation start date on hazardous waste labels, consolidated hazardous waste shipments, designation of waste code D001, and management of empty containers. The meeting resulted in the resolution on three of the four issues, Items 1, 2 and 4. Item 3 will be addressed by DTSC's waste evaluation unit.

Meeting with Recicladora Temarry de Mexico, City of San Diego, (San Diego County). On May 24, 2006, SCD staff and OLA staff met with a representative from Recicladora Temarry (Temarry) to discuss exports of hazardous waste from California to Mexico. Temarry is a solvent recycling facility located in the City of Tecate, Baja California Mexico. Topics included notification requirements and properly completing the manifests. The company was provided the information to submit the export notification to the Glendale Office.

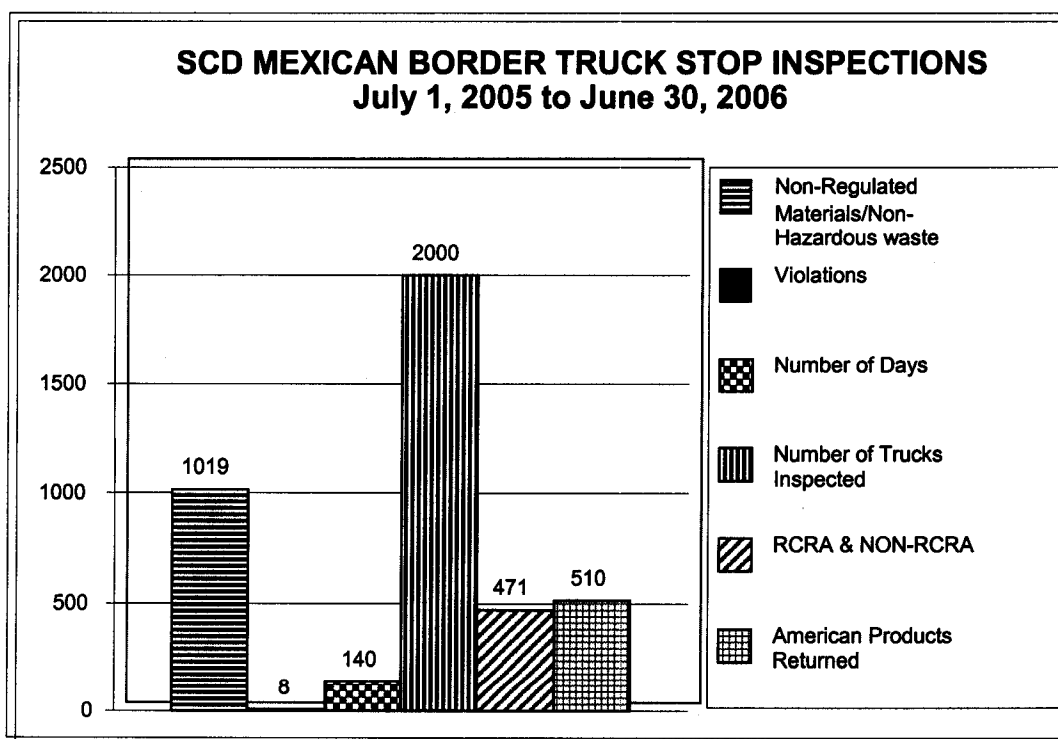
B. SURVEILLANCE AND ENFORCEMENT

Between July 1, 2005 and June 30, 2006, SCD staff, along with U.S. Customs and Border Protection (CBP) staff conducted border truck stops inspections on a weekly basis at the Otay Mesa and Calexico Ports of Entry (POE's). Vehicles used to import hazardous wastes, non-hazardous wastes and American Products Returned are inspected at the Otay Mesa POE every Tuesday and Wednesday of the week and at the Calexico POE every Friday. The trucks were inspected for compliance with State and Federal hazardous waste regulations and laws. Samples were periodically collected of specific shipments to verify the waste had been properly transported and characterized.

Inspection results are as follows:

SCD Mexican Border Truck Stops

	NUMBER OF TRUCKS	VIOLATIONS
RCRA and Non-RCRA	471	8
Non-Regulated Materials/Non-Hazardous Waste	1,019	0
American Products Returned	510	0
TOTAL	2,000	8



Violations were observed as follows:

Custom Alloy, City of Industry, (Los Angeles County): No EPA ID Number.

On August 31, 2005, SCD conducted a northbound truck-stop inspection of a Custom Alloy shipment at the U.S. Customs and Border Protection Otay Mesa Port of Entry, San Diego, California. The shipping documents described the load as "scrap metal aluminum/dross." U.S. Customs inspectors directed the transporter to unload the shipment for a closer inspection. A total of 20 cubic yard boxes were unloaded and inspected. All the boxes showed the contents to be aluminum (Al) powder waste and Al dross/skimmings. Additionally half the boxes were open and Al powder waste was observed around the pallets and on the floor of the trailer. Custom Alloy, the importer of record, was issued

a Summary of Violations (SOV) for the following three violations: transporting hazardous waste in structurally damaged containers which caused releases during transportation, failing to keep containers of hazardous waste closed, and failing to determine if a waste was a hazardous waste or is excluded from regulation. The shipment was returned to Mexico by USCBP inspectors. Representatives of MexLund, the foreign generator, refused to sign the SOV on behalf of Custom Alloy. The SOV was mailed to Custom Alloy.

Samex Environmental Services, Inc., City of San Diego, (San Diego County): CAR000113324. On February 24, 2006, at the request of the Arizona Port of Entry, SCD staff conducted a Border Truck Stop inspection of a Samex Environmental Services (Samex) load at the U.S. Customs and Border Protection (USCBP), Calexico East Port of Entry facility. The load was sent by the Arizona Port of Entry officials who are not trained in hazardous waste management. Samex is a hazardous waste management company operating a transfer station in Tijuana, B.C., Mexico, and is listed as the Importer of Record on the Uniform Hazardous Waste Manifest. Samex presented one roll off with 11,924 kilograms manifested as "RQ, Environmentally Hazardous Substances, Solid, N.O.S (Lead/Cadmium), (UN 3077, PG III (D008, D006)". A closer inspection of the roll off revealed that the shipment contained: rags, paper, broken CRTs, cardboard and sponges impregnated with paint related materials. The Uniform Hazardous Waste Manifest Number 27734 failed to describe the proper shipping name of this shipment, failed to identify the hazardous waste types and quantities and did not list the individual foreign generators (maquiladora) that contributed hazardous waste as required by 40 CFR 262.60(b). A Summary of Violation was issued to Samex for failing to complete the generator and hazardous waste section of the Uniform Hazardous Waste Manifest. That shipment was returned to Mexico by USCBP Inspectors.

Samex Environmental Services, Inc. (SAMEX), City of San Diego, (San Diego County): CAR000113324. On March 1, 2006, SCD staff conducted a border truck stop inspection of a shipment from Samex Environmental Services (Samex) at the U.S. Customs and Border Protection Otay Mesa Port of Entry, San Diego California. Samex is a hazardous waste management company operating a transfer station in Tijuana, B.C. Mexico and is the importer of record and attempted to import a shipment of 274 metal and plastic drums that were managed as "empty." According to Samex the final destination was Consolidated Drum Reconditioning Inc., a drum reconditioning facility in Montebello, California. The Bill of Lading presented described the shipment as "274 empty drums that contained flammable solvents, lacquer, paints, thinners, acetone, MEK, mineral spirits, xylene, solvents and oil." The containers had the original product labels. Eight of twenty 55-gallon containers were randomly chosen for a closer inspection and two of them were observed to contain pourable quantities of a hazardous material (flammable liquid). A Summary of Violations was subsequently issued to Samex for three violations: failed to manage containers of hazardous waste that were not empty, transported hazardous waste without a Uniform Hazardous Waste Manifest and

failed to properly characterize hazardous waste. The Shipment was rejected and returned to Mexico.

Hennis Enterprises, Inc., City of San Diego, (San Diego County): No EPA ID Number. On May 31, 2006, SCD Border Unit staff conducted a border truck stop inspection of Hennis Enterprises Inc. (Hennis), at the U.S. Customs and Border Protection, Otay Mesa Port of Entry, San Diego, California. Hennis is a manufacturing company that custom designs molded polyurethane products that operates in the City of Ventura, California. Hennis has an operating transfer station in Tecate, B.C. Mexico and while acting as an importer of record, attempted to import a shipment of 60 plastic totes that were managed as "American Product Returned." According to Hennis, the final destination was Hydro Seal Polymers Inc, a plastic tote reconditioning facility in California. Thirty of the sixty plastic totes were randomly chosen for a closer inspection and 23 of them were observed to be leaking some material (diisocyanate and polyether polyol). The Shipment was rejected and returned to Mexico.

SAN DIEGO COUNTY CONTRACT

Between July 1, 2005 and June 30, 2006, SCD entered into a contract with the San Diego County Department of Environmental Health, Hazardous Materials Division (DEH/HMD) to assist with border truck stops, training, and coordination activities including participation in Bi-national meetings under the Border 2012 Program DEH/HMD Border Truck Stop activities are described further below:

DEH/HMD Mexican Border Truck Stops

MONTH	NUMBER OF TRUCKS	VIOLATIONS
July 2005	56	1
August 2005	70	1
September 2005	64	1
October 2005	65	0
November 2005	35	1
December 2005	82	1
January 2006	75	0
February 2006	44	0
March 2006	109	1
April 2006	86	0
May 2006	86	0
June 2006	106	0
TOTAL	878	6

C. BI-NATIONAL SAMPLING EXERCISE

Nothing to report.

**D. IMPROVE ENVIRONMENTAL PERFORMANCE AND POLLUTION
PREVENTION**

Nothing to report.

APPENDIX A
FINANCIAL RESPONSIBILITY REIMBURSEMENT
ACTIONS OR REQUIREMENT CHANGES

Acme Fill Corporation, City of Martinez, (Contra Costa County):

CAD041835695. On September 28, 2005, Berkeley's Financial Responsibility Analyst processed a reimbursement release request for the amount \$149,552.07 based on invoices submitted for post closure activities conducted at Acme Fill Corporation (Acme). Further reimbursement release requests were processed on November 18, 2005, March 22, 2006, and May 23, 2006, for an additional total of \$657,599.38 based on invoices submitted for post closure activities at Acme.

Akwaklame, Inc., City of Oceanside, (Orange County): CAD020530226 (non-RCRA). On August 3, 2005, SCD signed an authorization for release of funds from the Harbor Insurance Company for reimbursement of closure expenditures performed for Akwaklame. SCD authorized a release of \$10,841.53 to Tetra Tech EM Inc., for costs associated with soil and groundwater sampling that the facility conducted in December 2004. On November 10, 2005, SCD signed an authorization for release of funds for reimbursement of closure expenditures totaling \$46,000.00 to NRC Environmental Services. Akwaklame was certified closed on February 6, 2006, and on February 16, 2006, SCD signed the final authorization for release of funds for reimbursement of closure expenditures of \$70,976.05 to Tetra Tech EM Inc.

Bridge Finance LLC Facility (Formerly A-American Environmental Inc.), City of Alhambra, (Los Angeles County): CAD089446710. On October 5, 2005, SCD signed both an authorization for the release of \$75,791.00 in funds from the A-American closure insurance policy for closure expenditures, as well as an authorization for the release of \$11,873.00 in funds from the closure trust fund. Further authorizations for the release of funds from the closure trust fund were signed on January 30, 2006, February 16, 2006, March 23, 2006, and June 16, 2006 for an additional total of \$263,635.48 paid to Environmental Applications, Inc. for closure activities. The Bridge Finance Facility was certified closed on May 11, 2006. On June 1, 2006, SCD signed an authorization for release of \$22,530 of closure funds to DTSC as an advance payment for the first 30 years of DTSC costs for overseeing and enforcing the requirements of a Land Use Covenant (LUC) at the site. This is in accordance with the facility closure plan and the LUC agreement signed by Bridge Finance LLC and DTSC on March 16 and March 23, 2006.

General Atomics, City of San Diego, (San Diego County): CAD067638957. Berkeley's Financial Responsibility Analyst processed a request for a release from maintaining financial assurance for this facility. On March 29, 2005, General Atomics' Nuclear Waste Processing Facility submitted a closure certification report to DTSC dated March 25, 2005 for three hazardous waste management units. On June 23, 2005, DTSC's Permitting and Corrective Action Division sent General

Atomics an acknowledgement of receipt of the closure certification, and directed General Atomics to request a release from the facility's financial assurance requirements. General Atomics submitted a release request to DTSC on July 1, 2005. The Berkeley Office sent a memo to DTSC Headquarters on August 24, 2005 requesting release of General Atomics' trust agreement mechanism.

IT Environmental Liquidating Trust: Panoche, City of Benicia, (Solano County): CAD000060012; Vine Hill Complex, City of Martinez, (Contra Costa County): CAD982521460; Montezuma Hills, City of Rio Vista, (Solano County): CAD079089512; Benson Ridge, City of Kelseyville, (Lake County): CAD000633289. On August 18, 2005, Berkeley's Financial Responsibility Analyst processed a reimbursement release request in the amount \$174,421.65 that was based on four invoices submitted for post closure activities conducted at IT Environmental Liquidating Trust's (IT) Vinehill complex, Benson Ridge, Montezuma, and Panoche locations. The amount identified in the release request by IT was actually \$174,421.66, for a difference of \$0.01. Further reimbursement release requests were processed on November 18, 2005, January 19, 2006, March 22, 2006, and May 23, 2006 for an additional total of \$754,504.80 based on invoices submitted for post closure activities conducted at the four IT locations.

Mirant Corporation, Pittsburg Power Plant, City of Pittsburg, (Contra Costa County): CAT080011695. Berkeley's Financial Responsibility Analyst processed a request for a release from the requirements for maintaining financial assurance. On January 31, 2005, Mirant submitted a RCRA closure certification report for the closure of four RCRA surface impoundments. On April 28, 2005, DTSC's Permitting and Corrective Action Division (PCAD) sent Mirant an acknowledgement of receipt of the closure certification and directed Mirant to request a release from Mirant's financial assurance mechanism, a certificate of insurance. The request from Mirant was dated May 25, 2005. A memo was sent to DTSC Headquarters regarding Mirant's request on August 24, 2005.

USS POSCO, City of Pittsburg, (Contra Costa County): CAD009150194. The Berkeley Office FR analyst received, processed and completed a request for authorization of release of funds for U.S. Steel's portion of the post closure financial assurance of the USS Posco facility located at 900 Loveridge Road in Pittsburg, CA 94565. Originally, U.S. Steel made use of a financial test to fund their portion of the post closure financial assurance mechanism for the USS Posco facility. The wording of the financial test mechanism failed based on a lack of the required negative assurance language. Upon notice of the violation, U.S. Steel set up a Trust Fund to cover their portion of final assurance, while the deficient language was being work on. In December, 2005, the adequacy of the proposed replacement Financial Test containing a new Certified Public Accountant report was reviewed and approved by DTSC's legal staff. As a result of this action, DTSC released the \$1,887,296 Trust Fund since U.S. Steel's new Financial Test met regulatory standards. Concurrent with the release of the Trust Fund and approval of the financial test for U.S. Steel, a reduction of USS Posco's portion of post-closure costs funded by a Letter of Credit was approved and processed. USS Posco's Letter of

Credit was reduced from \$308,545 to \$189,630. U.S. Steel is the parent company to USS Posco and funds 75% of the post-closure cost estimate, with USS Posco funding the remaining 25%.

APPENDIX B
STATEWIDE COMPLIANCE DIVISION
FORMAL ENFORCEMENT ACTIONS

A.Q. Management & Control, City of Los Angeles, (Los Angeles County): CAL920974114 (complaint, non-RCRA). On May 25, 2006, SCD entered into a Consent Order with A.Q. Management & Control, settling an enforcement action resulting from an inspection of this asbestos transporter on May 14, 2004. As a result of the inspection, A.Q. Management & Control was found to be transporting hazardous waste without a current registration. The company has paid a \$2,000 penalty.

A-American Environmental, City of Alhambra, (Los Angeles County): CAD089446710. On November 14, 2005, A Civil Court Judge granted the California Office of the Attorney General's Requests for Judgment on A-American, resolving violations resulting from a September 30, 1999 inspection. Violations included: violation of a Stipulation and Order; over capacity; accepting unauthorized waste streams, and other operating violations. In April 2002, all hazardous wastes were removed from the A-American facility by U.S. EPA contractors and DTSC's emergency response unit. When the facility was actively operating, the company treated, stored, and transferred mainly solvents and ignitable wastes. On July 1, 2005, A-American sold the facility to Bridge Financing. The closure plan was approved, and the new owner agreed to complete the closure process. The Civil Court Judge approved a penalty of \$600,000; however, A-American is no longer a viable entity.

Abatement Services Operations, Inc. (ASO), City of El Cajon, (San Diego County): CAL000827827 (non-RCRA). On December 12, 2005, SCD entered into a Consent Order (CO) with Abatement Services Operations, Inc. (ASO) settling violations from the transporter inspection at this facility conducted on September 30, 2004. ASO agreed to a payment of \$14,000, of which \$ 4,000 is a penalty, \$5,000 is a credit for attending compliance school and \$5,000 is a credit for going out of and staying out of business for five years. The violations involved failing to clearly mark and label containers of hazardous waste, failing to make a determination if the waste was hazardous, failing to complete a Uniform Hazardous Waste Manifest for various wastes and holding a hazardous waste in excess of 10 days while in transit. The facility is a former registered hauler that primarily transported asbestos waste.

Abbott's Waste Oil Service, Inc., City of Signal Hill, (Los Angeles County): CAD981373665 (non-RCRA). On May 26, 2006, SCD and Abbott's Waste Oil Service, Inc. (Abbott's) entered into a Consent Order resolving violations discovered during an inspection conducted on May 11, 2004. Abbott's, a used oil transporter, was cited for contaminating used oil with other hazardous waste, delivering used oil contaminated with brake fluid to a facility not authorized to accept it, and failure to fully comply with consolidated manifesting procedures. An Enforcement Order was issued to Abbott's on December 4, 2005, and last minute negotiations eliminated the

need for a hearing to resolve the violations. The company agreed to a penalty of \$7,000, of which \$5,000 was credited for sending an employee to California Compliance School.

All Phase Environmental, City of Santa Ana, (Orange County): CAL000253361 (complaint, non-RCRA). On September 9, 2005, SCD and All Phase Environmental entered into a Consent Order (CO) settling violations observed during the August 9 and October 12, 2004 complaint investigations. The facility agreed to a payment of \$10,356, of which \$5,356 is a penalty, and \$5,000 is reimbursement of the DTSC's costs. The full payment of \$10,356 was received on December 7, 2005. The major violations involved holding hazardous wastes over ten days at its transfer facility without an authorization from DTSC, and failure to ensure a separate manifest is completed by each vehicle driver with respect to each transport vehicle operated by that driver for each date. The draft CO was sent to the facility on July 21, 2005. The facility is a registered hazardous waste hauler that transports used oil, antifreeze and oily wastewater.

Amber Resources, LLC, dba Sawyer Petroleum, City of Santa Paula, (Ventura County): CAL000254138 (complaint, non-RCRA). On October 14, 2005, SCD entered into a Consent Order with Amber Resources, LLC, dba Sawyer Petroleum (Sawyer), settling violations discovered on a January 27, 2005 inspection. Sawyer, a registered hazardous waste transporter, was cited for the following violations: failure to comply with certain manifesting requirements; and storage of hazardous waste in excess of the 10 days allowed under the transfer facility exemption. Under the agreement, Sawyer agreed to cancel its hazardous waste transporter registration, and pay \$5,000 in penalties.

Amberwick Corporation, City of Long Beach, (Los Angeles County): CAL000827879 (self-disclosure). On June 28, 2006, SCD and Amberwick Corporation entered into a Consent Order (CO) settling violations disclosed to DTSC on December 27, 2005. A transporter inspection was conducted on January 10, 2006 as a follow-up to the self-disclosure notification. The disclosure was compared to the Cal/EPA's Self Disclosure policy, and found to not meet all criteria for full waiver of gravity based penalties. The facility agreed to a payment of \$6,265, of which \$5,844 is a penalty, and \$421 is reimbursement of DTSC's costs. Of the \$5,844 penalty, the facility will get a \$5,000 compliance school credit if two of its employees satisfactorily complete the four hazardous waste management modules at the California Compliance School. The violations involved transportation of hazardous waste to an unauthorized facility, and failure to use a hazardous waste manifest for its transportation. The draft CO was sent to the facility on June 8, 2006. The facility is a registered hazardous waste hauler.

Ambitech International, Inc., City of Chatsworth, (Los Angeles County): CAD981385958. On December 22, 2005, a complaint was filed with the Superior Court of California, Los Angeles County for civil penalties and injunctive relief. The facility owner was non-responsive to the civil complaint; therefore, on June 30, 2006, a final judgment was received from the court for the civil complaint and injunctive

relief. An Enforcement Order to correct violations was issued to Ambitech on July 29, 2005 based on Ambitech's failure to return to compliance with violations noted during an August 24, 2004 inspection. The inspection was undertaken to confirm compliance prior to issuance of a Consent Order allowing the onsite treatment of cyanide wastes. Violations noted during the inspection include failure to mitigate a release of hazardous waste, failure to develop a waste analysis plan, open containers containing extremely hazardous waste, and a lack of assessment for a tank system containing 47 tanks. Previously, SCD had referred the case against Ambitech International to the California Attorney General's Office (March 4, 2005).

American Industrial Services, Inc., (aka Con-West), City of Paramount, (Los Angeles County): CAR000036921. On July 20, 2005, SCD entered into a Consent Order with American Industrial Services (AIS), settling a violation resulting from a transporter inspection conducted on May 7, 2004. The alleged violation was illegal storage of hazardous dry cleaning wastes beyond the ten days allowed under the transfer station exemption. AIS agreed to a penalty of \$8,160, of which \$5,000 was credited for sending an employee to California Compliance School.

AMPAC/Aerojet Fine Chemicals, City of Sacramento, (Sacramento County): CAD000030494. SCD Sacramento office staff worked with the Permitting and Corrective Action Division and Office of Legal Affairs to produce a Consent Agreement that would authorize AmPac to continue current operations after their purchase of Aerojet Fine Chemicals (AFC). The Consent Order was issued on November 30, 2005.

Apple Computer, Inc., City of Cupertino, (Santa Clara County): CAL981386600 (voluntary disclosure, non-RCRA). SCD entered into a Consent Order with Apple Computer on August 16, 2005 for settlement of violations disclosed to DTSC on February 14, 2005. The disclosure was compared to the Cal/EPA Recommended Guidance on Incentives for Voluntary Disclosure, and found to not meet all criteria for full waiver of gravity based penalties. A penalty of \$500 was assessed and collected in this case. The disclosure by Apple Computer stated that antimony containing resins were shipped without a manifest to a facility that was not permitted to receive such waste. The violation was self-corrected, and the waste was subsequently properly disposed.

ARC International, City of Industry, (Los Angeles County): CAL000273749 non-RCRA). On October 31, 2005, SCD entered into a Consent Order with ARC International (ARC) settling violations resulting from an inspection conducted on December 14, 2004. ARC, a recycler of electronic waste, was found in violation for: failure to provide financial assurance for closure; and a closure cost estimate. ARC agreed to pay a penalty of \$32,000.

ASE Contracting Inc., City of El Cajon, (San Diego County): CAL000252045 (complaint). On April 17, 2006, SCD and ASE Contracting Inc. entered into a Consent Order (CO) settling violations observed during the November 14, 2005 complaint investigation. The facility agreed to a payment of \$22,380, of which

\$21,041 is a penalty, and \$1,339 is reimbursement of DTSC's costs. The first and second payments of \$6,600 and \$5,260 were received on May 17, 2006 and June 15, 2006 respectively. The violations involved transportation of hazardous waste without a registration issued by DTSC, and failure to have liability insurance. The draft CO was sent to the facility on March 22, 2006. The facility is engaged in building demolition and removal and transportation of asbestos and lead waste.

Atlas Pacific Corporation, City of El Cajon, (San Diego County): CAL000074687 (border, non-RCRA). On January 23, 2006, SCD and Atlas Pacific Corporation (APC) entered into a Consent Order (CO) settling violations from the border inspection conducted on February 11, 2004. SCD issued a final Enforcement Order on April 25, 2005, for failure to properly characterize their hazardous waste and for failure to label hazardous waste containers. The terms of the CO required that APC pay a penalty of \$15,000, as follows: \$7,000 is for administrative costs and \$8,000 is for a penalty. The penalty amount is further defined as a \$5,000 credit for attendance and submittal of Certificates of Attendance for Compliance School and \$3,000 as a monetary penalty. APC is an importer of hazardous waste.

AX-IT International Inc., City of Anaheim, (Orange County): CAR000088021 (non-RCRA). On June 28, 2006, SCD and AX-IT International Inc. entered into a Consent Order (CO) settling violations observed during a January 23, 2006 transporter inspection. The facility agreed to a payment of \$10,000, of which \$8,545 is a penalty, and \$1,455 is reimbursement of DTSC's costs. The violations involved transportation of hazardous waste without a registration issued by DTSC, and holding hazardous wastes over ten days at its transfer facility without an authorization from DTSC. The draft CO was sent to the facility on June 27, 2006. The facility was a registered hazardous waste hauler and has been out of business for a year.

Baires Jr. Trucking, City of Bakersfield, (Kern County): CAR000108605 (complaint, non-RCRA). The Final Decision of DTSC for this case was sent to Mr. Baires on July 7, 2005. The Final Decision adopts the Proposed Decision of the Administrative Law Judge based on the evidence presented at an April 21, 2005 hearing, and assesses a penalty of \$27,600. Clovis staff retrieved certified copies of information from the Kern County Tax Assessor's Office and the Hall of Records on June 9, 2006. This will enable legal papers be filed with the Court to place a lien on personal properties owned by Baires in order to collect penalties owed to DTSC. Baires Trucking was a transporter of hazardous waste and was found to have transported hazardous waste without registration and/or insurance. Baires Trucking no longer transports hazardous waste.

Bare and Garcia Express, Inc, City of Hilmar, (Merced County): CAR000115295 (non-RCRA). On July 29, 2005, SCD entered into a Consent Order with Bare and Garcia Express, Inc., settling violations discovered on a December 14, 2004 inspection of this transporter. The penalty amount was \$2000. Bare and Garcia Express, Inc., transported hazardous waste (contaminated soil) for approximately 45

days without registration from DTSC. Though the company's registration had expired and it did not hold a valid transporter registration, it did have the required liability insurance. Bare and Garcia Express, Inc. is no longer a transporter of hazardous waste.

Brenntag Pacific Inc., City of Chula Vista, (San Diego County): CAT080011802 (border, non-RCRA). On August 17, 2005, SCD and Brenntag Pacific Inc., (Brenntag) entered into a Consent Order (CO) settling violations from the border inspection conducted on August 4, 2004, at the Otay Mesa Port of Entry during a routine border truck stop. The CO settles a violation of failure to properly manage drums that contained pourable quantities of flammable material. The terms of the CO require that Brenntag pay a penalty of \$17,500, as follows: \$6,281.29 is for administrative costs, \$6,218.91 was paid to Western States Project as a Supplemental Environmental Project and \$5,000 was a credit for attendance and submittal of Certificates of Attendance for Compliance School. Brenntag is an importer of hazardous waste.

Brittall Environmental Technologies, City of Oakland, (Alameda County): CAD982434037 (complaint, non-RCRA). On April 7, 2006, SCD entered into a Consent Order with Brittall, settling violations found during an August 2004, complaint investigation. During this investigation and from a subsequent investigation initiated in September 2005, Brittall Environmental was found to have exceeded the ten day transfer facility exemption on 93 manifests between January 1, 2002 and April 20, 2004. The number of days in excess of the ten-day time period ranged from 1 day to 22 days. The total settlement with Brittall is for \$10,620. Brittall will receive a \$5,000 credit toward the penalty if designated employees enroll in California Compliance School after August 15, 2006. The company must submit certifications of completion for attending Compliance School by December 15, 2006 in order to receive the \$5,000 credit. In settling this matter, this transporter became more familiar with the transporter facility exemption and has increased his awareness in operating in compliance with the regulations. Brittall is a registered transporter and treats silver wastes exempt from regulation in accordance with SB 2111.

Cal Energy Operating Company, City Of Calipatria, (Imperial County): CAD983648437. On July 28, 2005, SCD staff received a copy of the civil complaint filed against Cal Energy by the Deputy Attorney General (DAG). Thirty-six violations are alleged to have occurred during 2000 and prior years including: disposal to an unauthorized point, management of waste piles, unauthorized treatment and storage, failure to keep containers closed, failure to label, improperly completing labels, and failure to provide and document required training.

California Hazardous Services Inc., City of Santa Ana, (Orange County): CAR000152785. On June 28, 2006, SCD and California Hazardous Services Inc. entered into a Consent Order (CO) settling violations observed during the January 19, 2006 transporter inspection. The facility agreed to a payment of \$4,840, of which \$3,605 is a penalty, and \$1,235 is reimbursement of the DTSC's costs. The

violations involved holding hazardous wastes more ten days at its transfer facility without an authorization from DTSC. The draft CO was sent to the facility on June 8, 2006. The facility is a registered hazardous waste hauler that transports primarily fuel waste.

Carnevale's Construction, City of Santee, (San Diego County):

CAR000034504. On November 4, 2005, SCD and Carnevale's Construction Management (CCM) entered into a Consent Order (CO) settling violations from a transporter inspection conducted on March 10, 2005. A draft Consent Order was issued to CCM on October 24, 2005. CCM agreed to a payment of \$11,000 of which \$6,000 covers administrative costs and \$5,000 is for a penalty. The \$5,000 penalty was waived and a credit was granted for attendance and submittal of Certificates of Attendance for Compliance School. The CO resolves violations for failing to have a valid registration while transporting hazardous waste and failing to notify DTSC of changes in majority ownership, name & location. The facility is a registered hauler that primarily transports asbestos waste.

Chrome Tech, Inc., City of Santa Ana, (Orange County): CAD981463110. On June 23, 2006, an Enforcement Order was issued to Chrome Tech. Chrome Tech was inspected on February 20, 2004 in response to an application to treat cyanide bearing wastes onsite, and was found to be operating two non-contiguous facilities as one onsite facility. Each site was found to have multiple violations including, but not limited to, failure to assess tank integrity and secondary containment, failure to make a waste determination, and failure to inspect tanks. SCD referred the case against Chrome Tech to the California Office of the Attorney General on February 14, 2006. Chrome Tech, Inc. is designated as a Significant Non Complier by the local sewer agency, the Orange County Sanitation District.

Cleantech Environmental, Inc., City of Whittier, (Los Angeles County):

CAD008493322 and CAL000203445. On August 19, 2005, SCD entered into a Consent Order with Cleantech, settling violations observed during an inspection conducted on April 7, 2005. Cleantech is a registered hazardous waste transporter found in violation for the following: storing hazardous waste in excess of the ten days allowed under the transfer facility exemption; and failure to comply with manifesting requirements. Cleantech agreed to pay \$4,500 in penalties.

Cole's Services, City of Bakersfield, (Kern County): CAL000268462

(non-RCRA). On June 29, 2006, SCD entered into a Consent Order with Cole's Services resolving violations that were discovered on July 19, 2005 during an inspection of this used oil transporter. As a result of the inspection, Cole's was cited for storage of hazardous waste (contaminated soil) without a permit, and accepting waste for transportation without a manifest. Cole's agreed to pay \$11,000 in penalties.

ConocoPhillips Los Angeles Refinery, City of Carson, (Los Angeles County):

CAD980881676. On September 28, 2005, SCD and ConocoPhillips entered into a Consent Order (CO) settling violations resulting from an April 3, 2002 Operation and

Maintenance Inspection of the facility's groundwater monitoring activities. The facility agreed to a payment of \$22,500 of which \$11,549.70 is penalty and \$10,950.30 is reimbursement of DTSC's costs. The payment of \$22,500 was received on October 20, 2005. The violations involved failing to install down-gradient wells in the deeper aquifer and conduct Appendix IX sampling in compliance wells in the shallow aquifer at least annually. The draft CO was sent to the facility on May 12, 2005. The facility is an oil refinery and is part of a regional groundwater monitoring and remediation effort being conducted with oversight from the Regional Water Quality Control Board and U.S. EPA.

DeMenno-Kerdoon, City of Compton, (Los Angeles County): CAT080013352 (non-RCRA). On November 21, 2005, SCD entered into a Consent Order with DeMenno-Kerdoon (DK) settling violations observed on a June 12, 2002 inspection. DK is a used oil and waste anti-freeze recycling facility that was found in violation for: storage of hazardous waste in drums outside of the permitted storage area; failure to rebut the presumption (by conducting additional analyses) that used oil containing greater than 1,000 ppm halogens is a RCRA waste; treating waste anti-freeze in a tank not authorized for antifreeze treatment; failure to conduct flash point tests on several loads of used oil received; and failure to sign manifests at the time used oil was received. DK has returned to compliance, and has agreed to pay a penalty of \$13,500.

DeMenno/Kerdoon, City of Compton, (Los Angeles County): CAT080013352 (non-RCRA). On March 24, 2006, SCD entered into a Consent Order with DeMenno/Kerdoon (DK) settling violations discovered on an inspection conducted on May 19, 2005. DK was cited for the following violations: failure to follow the Waste Analysis Plan (WAP) by not taking the proper number of samples for analysis; failure to test incoming used oil for PCBs and total halogens; and failure to operate its facility to minimize the possibility of a fire or explosion. In response to the violations observed, DK has implemented procedures to ensure that incoming used oil is tested in accordance with the WAP to ensure that used oil accepted for recycling has not been altered. Additionally, DK has upgraded the safety/shut-off features in a storage tank to ensure that an explosion in the used oil receiving tank does not occur again. DK agreed to pay a penalty of \$9,000.

Dillard Environmental Services, City of Byron, (Contra Costa County): CAD982523433 (complaint). On November 30, 2005, SCD entered into a Consent Order with Dillard Environmental Services (Dillard). Dillard allegedly stored hazardous waste in excess of ten days during the course of transportation. The Consent Order called for Dillard to pay a total of \$6,500. The amount includes \$3,500 as a penalty and \$3,000 as reimbursement of DTSC's administrative costs.

E-Recycling of California, City of Paramount, (Los Angeles County): CAL000130029 (non-RCRA). On November 3, 2005, SCD entered into a Consent Order with E-Recycling of California (ERC) settling violations discovered on a September 30, 2004 inspection. ERC is authorized to recycle Universal Waste Electronic Devices (UWEDS) and Cathode Ray Tubes (CRTs), and is an approved

handler of electronic waste. The company was found in violation for failure to prepare a closure cost estimate, and failure to demonstrate financial assurance for closure and liability. ERC agreed to a \$32,000 penalty, and implement a Supplemental Environmental Project (SEP) for a credit of \$18,000. The SEP calls for ERC to collect and process e-waste free of charge to non-profit entities.

Ecology Control Industries (ECI), City of Richmond, (Contra Costa County): CAD009466392 (complaint, non-RCRA). Ecology Control Industries (ECI) City of Torrance, (Los Angeles County): CAD982030173 (transporter). On May 15, 2006, SCD and Ecology Control Industries entered into a Consent Order (CO) settling violations observed during the October 19, 2004 Cypress Office transporter inspection and November 6, 2003 Berkeley Office complaint investigation. The facility agreed to a payment of \$100,000 of which \$50,000 is a penalty, and \$50,000 is reimbursement of DTSC's costs, for both the Cypress and Berkeley cases. The first payment of \$25,000 was received on June 2, 2006. The violations at the Torrance facility involved holding hazardous wastes longer than ten days at its transfer facility and illegal storage of hazardous waste without authorization from DTSC. The violations at the Richmond facility included illegal storage of hazardous wastes, exceeding design capacity, and inadequate aisle space storage of hazardous waste tanks, drums, and bins in unauthorized areas, and failure to provide adequate aisle space to allow the unobstructed movement of personnel and emergency response equipment. The Berkeley case was referred to the AG on December 3, 2004; and the Cypress case was referred to the AG on June 10, 2005. The Torrance facility operates as a registered hazardous waste transporter. The Richmond facility is engaged in hazardous waste tank dismantling activities, and is also a registered hazardous waste transporter.

Electronics Partners Corporation, City of Los Angeles, (Los Angeles County): CAL000268784 (non-RCRA). On November 3, 2005, SCD issued an Enforcement Order to Electronics Partners Corporation (EPC) and its owner, James Mejia, for HWCL violations. EPC is a UWEDS and CRT recycler found in violation for: failure to submit to DTSC a notification to handle UWEDS; failure to demonstrate financial responsibility for UWED and CRT activities; and failure to ensure that all materials produced from the treatment of UWEDS are properly classified and managed. EPC requested an administrative hearing.

Esparza Welding and Machine Shop Incorporated (ESPARZA). City of Westmorland, (Imperial County): CAL000201050 (complaint, non-RCRA). On January 11, 2006, SCD and Esparza Welding and Machine Shop Incorporated (Esparza) entered into a final Stipulation and Order (Order) to settle the violations observed during an October 5, 1999 follow-up complaint investigation. The Order requires that Esparza pay \$50,000 of which \$37,500 covers administrative costs and \$12,500 is for a penalty. The penalty component is further defined as \$7,500 as a Supplemental Environmental Project and \$5,000 will be credit for attendance and submittal of Certificates of Attendance for Compliance School. The case had been in Bankruptcy proceedings for approximately three years prior to the Order being executed. The Order resolved violations for failing to make a hazardous waste

determination, failure to keep containers closed, failure to label drums, disposal to the ground and continuing to dispose of hazardous waste to the ground. Esparza is a generator of hazardous waste.

Evergreen Environmental Services, City of Carson, (Los Angeles County):

CAD981696420 (non-RCRA). On September 21, 2005, SCD entered into a Consent Order with Evergreen Environmental Services (EES), a used oil and waste anti-freeze transfer facility. EES was inspected on February 17, 2005, and cited for failing to determine, on several occasions, whether the used oil it accepted contained halogens or PCBs, in violation of its permit. EES agreed to pay a \$13,000 penalty.

Evergreen Oil, Inc., City of Newark, (Alameda County): CAD980887418 (non-

RCRA). On June 5, 2006, SCD and Evergreen Oil, Inc. (EOI) entered into a Consent Order settling violations observed during an inspection of EOI conducted on July 21, 2005. The violations include: failure to track some of the incoming waste received; failure to maintain container transfer secondary containment free of cracks and gaps; failure to record information required in inspection logs; and conducting truck-to-truck activity without providing adequate secondary containment. EOI has corrected the violations and is operating in full compliance, including providing adequate secondary containment for truck-to-truck transfer. EOI agreed to pay \$9,000 in penalties.

Exide Technologies, City of Los Angeles, (Los Angeles County):

CAD097854541. On November 15, 2005, SCD entered into a Consent Order with Exide Technologies (Exide), settling violations resulting from a May 25, 2004 inspection. Exide, a battery recycler, was cited for installing a filter press unit in the wastewater treatment plant without necessary permit modifications. Under the agreement, Exide will submit documentation on the installation and location of the filter press to the permitting program. Exide agreed to pay a \$9,500 penalty.

Fresh Air Environmental Services, Inc., City of Commerce, (Los Angeles

County): CAL000112617. On May 30, 2006, SCD and Fresh Air Environmental Services entered into a Consent Order resolving a violation observed during a January 19, 2006 inspection of this transporter. Fresh Air was cited for storing hazardous waste in excess of the ten days allowed under the transfer facility exemption. The company agreed to pay a \$4,000 penalty.

G & K Services, City of Pittsburg, (Contra Costa County): CAD981426760.

SCD entered into a Consent Order with G & K Services on May 3, 2006, settling violations found during a June 15, 2005 inspection. The Consent Order assessed a penalty of \$32,450, of which \$5,000 was suspended for completion of California Compliance School for two employees. Violations that led to the issuance of the Consent Order included failure to assess tank integrity, and recurring violations for failure to inspect tanks, failure to have a contingency plan and failure to maintain a training plan or records.

Gardena Specialized Processing, City of Gardena, (Los Angeles County): CAD981384837. On June 16, 2006, an administrative Order to Correct Violations was issued to Gardena Specialized Processing. Gardena Specialized Processing was inspected on November 15, 2005 in response to an application to treat cyanide bearing wastes onsite, and was found to have multiple violations including, but not limited to, failure to assess tank integrity and secondary containment, improper storage of flammable wastes, and treatment without a permit or authorization. SCD referred the case against Gardena Specialized Processing to the California Office of the Attorney General on April 12, 2006.

GATX Rail, City of Colton, (San Bernardino County): CAD055698815. On February 17, 2006, SCD and GATX Rail entered into a Stipulation and Order settling violations observed during the March 29, 2005 compliance evaluation inspection, and the Enforcement Order issued on October 28, 2005. The facility agreed to a payment of \$10,000, of which \$5,000 is a penalty, and \$5,000 is reimbursement of DTSC's costs. The full payment of \$10,000 was received on March 14, 2006. The violations involved illegal storage of hazardous waste paints. The draft Consent Order was sent to the facility on June 23, 2005. The facility maintains and repairs railroad tank cars, and is currently implementing an approved hazardous waste facility closure plan.

Graybill Metal Polishing Inc., City of Los Angeles, (Los Angeles County): CAD981450760. SCD issued an Enforcement Order for Corrective Action to Graybill Metal Polishing Inc. and related entities and individuals on April 7, 2006. Graybill Metal Polishing was inspected on October 18, 2005 as a follow-up inspection to a June, 2002 inspection. At the conclusion of the June 2002 inspection, which was conducted in response to an application to treat cyanide bearing wastes onsite, Graybill Metal Polishing decided to ship cyanide-bearing wastes instead of treating them onsite. A review of manifests in 2005 showed no cyanide wastes being shipped. The October 2005 inspection revealed multiple violations. SCD is working with U.S. EPA Emergency Response staff to stabilize the site.

Havens and Sons Trucking, City of El Centro, (Imperial County): CAL000188892 (complaint, non-RCRA). On December 8, 2005, SCD and Havens and Sons Trucking (HST) entered into a Consent Order (CO) settling violations from a complaint investigation conducted on March 29, 2005. HST agreed to a payment of \$27,500, of which \$15,000 is for a penalty and \$7,500 is reimbursement of administrative costs. In addition HST received a \$ 5,000 credit for attendance and submittal of Certificates of Attendance for Compliance School. The CO resolves violations for illegal treatment of used oil with a mixture of paint and solvents that occurred without permit or authorization, storage of a hazardous waste without permit, disposal of hazardous waste without permit, unlabeled containers holding hazardous waste and failure to keep containers closed unless adding or removing hazardous waste. HST is a generator of hazardous waste.

Hayden Industrial Products, City of Corona, (Riverside County):

CAD063111769. SCD entered into a Consent Order with Hayden Industrial Products on May 30, 2006 for violations discovered on an inspection conducted on December 14, 2005. The Consent Order assesses a penalty of \$14,500 of which \$5,000 is suspended for completion of California Compliance School for two employees. Violations that led to the issuance of the Consent Order included failure to conduct tank integrity assessments.

Higuera's OK Trucking, City of Fontana, (San Bernardino County):

CAL000266696 (non-RCRA). On February 8, 2005, SCD and Higuera's OK Trucking (HOT) entered into a Consent Order (CO) settling violations from a transporter inspection conducted on June 27, 2005. HOT agreed to a payment of \$8,000 of which \$3,000 is for administrative costs and \$5,000 is penalty. HOT received a \$5,000 credit for going out of business for five years. The CO resolves violations for failure to have a valid transporter permit while transporting hazardous waste, failure to sign and keep a copy of the manifests for three years from the date the hazardous waste was accepted by the initial transporter and failing to notify DTSC of changes in majority ownership, name & location. HOT is a former registered hazardous waste transporter.

HSR General Engineering Contractors, Inc., City of Santa Clara, (Santa Clara County): CAL000280137 (Transportable Treatment Unit, non-RCRA).

On July 27, 2005, SCD filed a civil complaint against HSR General Engineering Contractors, Inc. (HSR) that converted a December 7, 2004 Stipulation and Order into a civil judgment. The complaint led to the payment of a \$10,000 penalty by HSR, Inc. to settle violations stemming from an April 27, 2004 inspection. Delays in settling the case included discussion of late filing of Notice of Defense by HSR, Inc. as well as referral to the California Office of the Attorney General.

Imery Transportation, City of Signal Hill, (Los Angeles County):

CAR0002148197. On May 5, 2006, SCD and Imery Transportation (IT) entered into a Consent Order (CO) settling violations from a transporter inspection conducted on January 23, 2006. IT agreed to a penalty of \$9,920, of which \$1,165 is an administrative penalty, \$3,755 is reimbursement of DTSC's costs and the facility received a \$5,000 credit for attendance and submittal of Certificates of Attendance for Compliance School. The CO resolves violations for failure to have a valid transporter permit while transporting hazardous waste and failure to notify DTSC within 30 days of the following occurrences of changes in majority, ownership, name or change of location. IT is a registered hazardous waste hauler.

Indalex Aluminum Solutions, City of Modesto, (Stanislaus County):

CAD982583896. SCD entered into a Consent Order with Indalex Aluminum Solutions on June 2, 2006 to resolve violations discovered on an inspection conducted on January 11, 2005. The Consent Order assesses a penalty of \$32,060 of which \$5,000 is suspended for completion of California Compliance School for two employees. Violations that led to the issuance of the Consent Order included

onsite treatment of waste without permit or authorization, and storage of hazardous wastes in secondary containment.

Insight Designs, City of Rio Vista, (Solano County): CAR000044669. SCD referred enforcement of a case against Insight Designs to the Solano County Certified Unified Program Agency (CUPA) on June 2, 2005. The case was referred to the Solano County CUPA for action based on violations determined during a March 16, 2005 inspection. Violations referred for enforcement included storage greater than allowable time limits, lack of tank integrity and secondary containment assessments, and open and unlabeled containers. The Solano County CUPA issued a Consent Order on November 29, 2005 assessing a penalty of \$8,135.

Intercoastal, LLC, City of Long Beach, (Los Angeles County): CAT080022148. On June 13, 2006, SCD issued an Enforcement Order to Intercoastal, LLC for violations observed during the July 13, 2004 follow-up compliance evaluation inspection of the facility located in Rialto, San Bernardino County. The violations involved failure to provide adequate security to the facility, and failure to maintain the facility so as to prevent release of hazardous waste. The draft Consent Order was sent to the facility on January 19, 2006. The facility in Rialto was previously owned by a different company that had an interim status document. At the time of the inspection, Intercoastal was the owner and operator of the facility that was implementing closure activities. The facility is no longer a hazardous waste facility, and is now owned by a different company.

James Crooks Trucking, Inc., City of Arroyo Grande, (San Luis Obispo County): CAD981404015 (non-RCRA). On January 10, 2006, SCD entered into a Consent Order with James Crooks Trucking, Inc., a hazardous waste transporter, settling violations found during a transporter inspection conducted on September 20, 2005. The company transported hazardous waste a total of 68 times during a three month period in 2004 without a valid registration from the Department. The company did have the required liability insurance during this period of time. The case was settled for \$3,000 with a quarterly payment schedule of \$750. The first payment was received on April 6, 2006. James Crooks Trucking, Inc. has returned to compliance and no longer transports hazardous waste.

JDS Uniphase Corporation, Santa Rosa, (Sonoma County): CAD009110768. SCD entered into a Consent Order with JDS Uniphase Corporation on July 18, 2005. The Consent Order settles the following violations found during a February 16, 2005 inspection: failure to conduct a tank integrity assessment and re-assessment after changes to tank systems, and failure to annually update closure cost estimates for closure of an authorized tiered permitting unit. The Consent Order directs JDS Uniphase to pay \$15,500, of which \$3,875 is for a Supplemental Environmental Project.

JEM Industries, Inc., City of Tustin, (Orange County): CAR000168633. On June 13, 2006, SCD and JEM Industries, Inc. entered into a Consent Order (CO) settling violations resulting from the November 21, 2005 transporter inspection.

The facility agreed to a payment of \$9,000 of which \$7,005 is penalty and \$1,995 is reimbursement of the DTSC's costs. The facility will receive a \$5,000 credit to the penalty for sending an employee to the California Compliance School. The payment of \$4,000 was received on June 12, 2006. The violations involved failing to prepare a manifest and holding shipments of hazardous waste at a transfer facility for longer than ten days without authorization. The draft CO was sent to the facility on April 25, 2006. The facility is a registered hazardous waste transporter that primarily transports rinse water contaminated with fuel and oil generated in the process of cleaning underground storage tanks.

Lange America, Inc., City of La Mirada, (Los Angeles County): CAL000281221.

On October 17, 2005, SCD entered into a Consent Order with Lange America, Inc. (LAI), settling violations discovered on an inspection conducted on July 28, 2005. LAI is a registered hazardous waste transporter of primarily asbestos waste. LAI was found in violation for transporting hazardous waste after its registration had expired in May of 2005, and storing waste in excess of the time allowed under the transfer facility exemption. Lange has since renewed its registration, and has obtained the required financial responsibility insurance. Lange agreed to a \$12,000 penalty, of which \$4,000 is credited for sending an employee to California Compliance School.

Lassen Municipal Utilities District, City of Susanville, (Lassen County):

CAD981412521 (complaint). SCD entered into a Consent Order with Lassen Municipal Utilities District (LMUD) on December 14, 2005. The Order settles violations including illegal transportation of hazardous waste and failure to obtain an EPA ID number at two LMUD locations. LMUD was investigated in response to a claim of illegal storage of PCBs. LMUD agreed to pay a penalty of \$9,000.

Lighting Resources, LLC, City of Ontario, (San Bernardino County):

CAR000156125. On February 10, 2006, SCD and Lighting Resources, LLC entered into a Consent Order settling violations resulting from the September 21, 2005 Limited Inspection of the facility for the Mercury Lamp Initiative. The facility agreed to a payment of \$4,000 of which \$3,091 is penalty and \$909 is reimbursement of DTSC's costs. The payment of \$4,000 was received on February 14, 2006. The violation involved accepting unauthorized waste. The draft CO was sent to the facility on December 20, 2005. The facility has a standardized permit to treat and store spent fluorescent, High Intensity Discharge and similar spent mercury-containing lamps. The facility is also a registered hazardous waste transporter.

Lodi Chrome, City of Lodi, (San Joaquin County): CAR000143776. On April 26, 2006, SCD entered into a Stipulation and Order with Lodi Chrome for violations discovered during a December 22, 2003 inspection. The violations include: failure to make a waste determination; offering a hazardous waste to a facility not authorized to receive said waste; transportation of hazardous waste without a manifest; and failure to maintain the facility in a manner that prevents the release of hazardous waste. Lodi Chrome agreed to pay a penalty of \$55,000.

Los Angeles Department of Water and Power, City of Los Angeles, (Los Angeles County): CAD000633305. On July 14, 2005, SCD entered into a Consent Order with Los Angeles Department of Water and Power (LADWP), settling violations observed during an inspection conducted on April 20, 2004. LADWP is a water and electric utility, and a hazardous waste storage facility located in Los Angeles. Violations cited include: misrepresenting information on bills lading and waste logs, and storing PCB contaminated waste at an unauthorized location. LADWP corrected the violations and agreed to pay \$20,020 in penalties.

M & J Trucking, City of West Hills, (Los Angeles County): CAR000092544. On February 16, 2006, SCD entered into a Consent Order with M & J Trucking, settling violations cited during an April 14, 2005 inspection. M & J Trucking is an asbestos contractor that was transporting small loads of asbestos wastes from their asbestos removal activities. During the inspection, it was discovered that M & J Trucking failed to hold both a valid Hazardous Waste Transporter registration, and proof of liability insurance. M & J Trucking agreed to a \$10,000 penalty, of which \$5,000 was credited for sending two employees to California Compliance School. The company decided to discontinue transporting hazardous waste.

Metropolitan Water District of Southern California, City of Winchester, (Riverside County): CAD981425598 (voluntary disclosure). SCD entered into a Consent Order with the Metropolitan Water District of Southern California (MWD) on January 27, 2006 to settle violations disclosed to DTSC on September 16, 2004. The disclosure was compared to the Cal/EPA Recommended Guidance on Incentives for Voluntary Disclosure, and found to not meet all criteria for full waiver of gravity based penalties. Penalties assessed totaled \$2,100. The violations disclosed by MWD include transportation of arsenic containing waste without a manifest and to a facility not authorized to receive the waste.

NRC Environmental Services, City of Long Beach, (Los Angeles County): CAD082699562. On November 29, 2005, SCD and NRC Environmental Services entered into a Consent Order (CO) settling violations observed during the May 18, 2005 manifest review. The facility agreed to a payment of \$8,832, of which \$7,726 is a penalty, and \$1,106 is reimbursement of DTSC's costs. Of the \$7,726 penalty, the facility obtained a \$5,000 compliance school credit for the satisfactory completion of the four hazardous waste management modules at the California Compliance School by two of its employees. The payment of \$3,832 was received on January 9, 2006. The violations involved holding hazardous wastes longer than ten days at its transfer facility without an authorization from DTSC. The draft CO was sent to the facility on October 21, 2005. The facility is a registered hazardous waste hauler.

Nu-Cool, City of Santa Paula, (Ventura County): CAL00027545. On November 4, 2005, SCD entered into a Consent Order with Nu-Cool, settling violations observed on a May 25, 2005 inspection. Nu-Cool is a transporter that was cited for transportation of hazardous waste without a valid registration, and failure to have

insurance. Nu-Cool agreed to a penalty of \$9,000, of which \$5,000 was credited for sending an employee to California Compliance School.

Offshore Crane and Service Company, dba T & T Truck and Crane Service, City of Ventura, (Ventura County): CAD054834072. On June 8, 2006, SCD and Offshore Crane and Service Company, dba T & T Truck and Crane Service (T & T), entered into a Consent Order and settled violations observed during an inspection conducted on December 22, 2005. T & T was cited for storing hazardous waste in excess of the time allowed under the transfer facility exemption, and making a false representation on manifests. T & T agreed to a \$16,000 penalty, of which \$5,000 is credited for sending an employee to California Compliance School.

P. Kay Metal, City of Los Angeles, (Los Angeles County): CAL000024110 (non-RCRA). On January 12, 2006, SCD entered into a Consent Order with P. Kay Metal settling violations discovered on an inspection conducted on January 19, 2005. P. Kay is a solder dross recycler of tin/lead metallic oxides. Violations cited include: Failure to comply with a settlement agreement; exceeding storage capacity; and recordkeeping problems identified in the weekly inspection logs. P. Kay agreed to pay a penalty of \$4,500.

Pacific Aerospace, Campbell, (Santa Clara County): CAD000819730. On July 6, 2005 the California Office of the Attorney General filed an Enforcement Order for Injunctive Relief against Pacific Aerospace. The case against Pacific Aerospace had been referred by SCD in February 2004, but action against the facility was delayed by a fire at the facility. The case against Pacific Aerospace stems from a November 5, 2003 inspection to confirm compliance prior to issuance of a Consent Agreement to allow the onsite treatment of cyanide-bearing wastes. Violations determined during the inspection included failure to document daily inspections of tank systems, failure to make a waste determination or obtain waste analysis records for several wastes generated onsite including cyanide bearing waste, failure to train employees, and failure to obtain a written tank assessment certified by an independent engineer for all hazardous waste tanks used to hold or treat hazardous waste. U.S. EPA is currently involved with the removal of remaining chemicals and decontamination of the site.

Palo Alto Unified School District, City of Palo Alto, (Santa Clara County): No EPA ID number (complaint). On September 16, 2005, SCD entered into a Consent Order with the Palo Alto Unified School District (PAUSD) to address violations found during a May 20, 2004 complaint investigation. The total settlement is \$5,000, and PAUSD will be given a credit against that penalty if three of their employees complete California Compliance School modules within 180 days. PAUSD violated several requirements related to shipping hazardous waste offsite resulting from work at Fairmeadow Elementary School. The district was cited for offering hazardous waste for transport without a manifest, offering hazardous waste for transport without having an ID number, failure to properly complete a manifest, and offering hazardous waste for transport without appropriate DOT labeling and marking.

Purgreen Environmental, City of Bloomington, (San Bernardino County): CAL000208824 (complaint, non-RCRA). On May 17, 2006, SCD and Purgreen Environmental entered into a Stipulation and Order (S&O) settling violations observed during the July 26, 2004 complaint investigation, and the Enforcement Order issued on January 25, 2006. The facility agreed to pay a penalty of \$18,500, and not to act as a hazardous waste transporter for at least five years from the effective date of the S&O. The first payment of \$4,625 was received on May 16, 2006. The violations involved transportation of hazardous waste without a registration issued by DTSC. The draft S&O was sent to the facility on March 29, 2006. The case was referred to the Office of the Attorney General on April 21, 2005. The facility operated as a transporter of hazardous waste.

PW Stephens Inc., City of Huntington Beach, (Orange County): CAR000050815. On August 15, 2005 SCD and PW Stephens Inc. entered into a Consent Order (CO) settling violations observed during the March 10, 2005 transporter inspection. The facility agreed to a payment of \$2,220, of which \$1,916 is a penalty, and \$304 is reimbursement of DTSC's costs. The full payment of \$2,220 was received on August 15, 2005. The major violation involved holding hazardous wastes longer than ten days at its transfer facility without an authorization from DTSC. The draft CO was sent to the facility on July 27, 2005. The facility is a registered hazardous waste transporter that transports primarily asbestos waste.

Quaker City Plating and Silversmith, City of Whittier, (Los Angeles County): CAD008506065. SCD entered into a Consent Order with Quaker City Plating on April 17, 2006. The Consent Order assesses a penalty of \$34,875 and settles violations stemming from a March 12, 2002 inspection that was conducted to confirm compliance prior to issuance of a Consent Agreement to allow the onsite treatment of cyanide-bearing wastes. Violations that led to the enforcement action included treatment without a permit, intentional mixing of cyanide and listed wastes, failure to assess tank integrity, and failure to apply for all applicable cyanide treatment units.

Quality Carriers, Inc., City of South Gate, (Los Angeles County): FLR000057414. On March 14, 2006, SCD entered into a Consent Order with Quality Carriers Inc. (QCI), resolving a violation cited during a transporter inspection conducted on June 15, 2005. QCI was found to be conducting truck to truck transfer without a permit. QCI agreed to pay a \$16,000 penalty.

R.L.T. Enterprises, City of Adelanto (San Bernardino County): CAR000112375. On February 14, 2006, SCD and RLT Enterprises entered into a Consent Order (CO) settling violations observed during the August 9, 2005 transporter inspection. The facility agreed to a penalty of \$3,320 which will be all compliance school credit. Through this settlement, the facility agrees to send three of its employees to California Compliance School and complete satisfactorily the four hazardous waste management modules. The violations involved holding hazardous wastes longer than ten days at its transfer facility without an authorization from DTSC. The draft

CO was sent to the facility on September 23, 2005. The facility is a registered hazardous waste hauler.

Reno Drain Oil Service, City of Sparks, (Washoe County, Nevada):

NVD980893663 (complaint, non-RCRA). On January 10, 2006, SCD entered into a Consent Order with Reno Drain Oil Service (RDOS), settling violations discovered on a complaint inspection conducted on July 21, 2005. RDOS, a used oil transporter operating in California, was found in violation for failure to fully comply with consolidated manifesting procedures; and failure to notify generators that their used oil was being transported out of state. The company agreed to a penalty of \$12,500, of which \$5,000 was credited for sending an employee to California Compliance School.

Rim, S.A. de C.V., City of El Paso, (El Paso Texas): TXR000020925 (border).

On September 29, 2005, SCD and Rim, S.A. de C.V. (RIMSA) entered into a Consent Order (CO) settling violations observed during the July 7, 2004, border truck stop inspection conducted at the Otay Mesa Port of Entry in San Diego County. The facility agreed to a penalty of \$2,000 for administrative costs. The resulting penalty reflects a 75% penalty reduction for Supplemental Environmental Projects. The violations involved failing to determine if a waste was a RCRA hazardous waste and failing to properly complete applicable sections of the Uniform Hazardous Waste Manifest. RIMSA is a generator of hazardous waste.

Romic Environmental Corp., City of East Palo Alto, (San Mateo County):

CAD009452657. On June 15, 2006, SCD and Romic entered into a Consent Order to Correct Violations (CO) as a result of a June 5, 2006 tanker truck release. Romic was cited for failure to operate a facility in a safe manner as a result of a June 5, 2006 release from an 8,000 gallon permitted fuel blending tank and the subsequent release of about 3,000 gallons of fuel blended hazardous waste from a tanker truck. The release from the tanker truck caused contamination to extend from Romic's facility to approximately 2,000 yards off-site across a PG&E substation and into a local marsh. The CO directs Romic to cease all fuel blending of hazardous waste received in tanks and containers for the express purpose of fuel blending, to stop receiving all hydroxylamine wastes, and to prepare two reports detailing the events and causes of the June 5, 2006 tanker release. Romic is allowed to fuel blend hazardous wastes generated from treatment and recycling activities conducted onsite only. The CO also reserves the State's right to impose fines and penalties in the future and does not provide Romic with an opportunity for appeal. In addition, Romic must conduct chemical compatibility testing prior to placement of any residue into a fuel blending tank until further notice. Issuance of the CO provides safeguards to the public and the environment by limiting fuel blending operations at the site.

RTR Industries, LLP (dba Grant Piston Rings), City of Anaheim, (Orange County): CAD981674906. SCD issued an Enforcement Order to RTR Industries on March 15, 2006 for violations discovered on a May 12, 2005 inspection. The

violations include: failure to assess tank and containment integrity, failure to make a waste determination, and incomplete training plan.

Safety-Kleen Systems, Inc., City of El Monte, (Los Angeles County):

CAT000613893. On November 3, 2005, SCD entered into a Consent Order with Safety-Kleen, settling violations discovered on an inspection conducted at the El Monte facility on February 24, 2005. The Safety-Kleen El Monte facility is a permitted solvent recycler. During the inspection, Safety-Kleen was cited for exceeding their storage capacity, and storage in an unauthorized area. The facility agreed to a \$12,000 penalty, of which \$5,000 was credited for sending an employee to California Compliance School.

Safety-Kleen Systems, Inc., City of Los Angeles, (Los Angeles County):

CAT000613935. On March 10, 2006, SCD and Safety-Kleen Systems, Inc. entered into a Consent Order and settled a violation observed during an October 21, 2005 inspection. Safety-Kleen Inc. is a permitted storage and transfer facility that handles automotive parts cleaning solutions. The company was cited for failure to remedy the malfunction of equipment noted in the daily inspection log. Safety-Kleen agreed to pay a \$1,500 penalty.

Safety-Kleen Systems Inc, City of Santa Ana, (Orange County): CAT000613976.

On June 28, 2006, SCD and Safety-Kleen Corporation entered into a Consent Order (CO) settling violations observed during the October 11, 2005 compliance evaluation inspection. The facility agreed to a payment of \$16,269, of which \$14,349 is a penalty, and \$1,920 is reimbursement of the DTSC's costs. Of the \$14,349 penalty, the facility will get a \$5,000 compliance school credit if two of its employees satisfactorily complete the four hazardous waste management modules at the California Compliance School. The violations involved manifest, operating records, and local agency permit requirements. The draft CO was sent to the facility on May 25, 2006. The facility is permitted to store and treat hazardous wastes.

Service First Environmental, City of Tustin, (Orange County): CAL000255542

(complaint). On June 30, 2006, SCD and Service First Contractors, Inc. entered into a Consent Order (CO) settling violations observed during the May 23, 2006 complaint investigation. The facility agreed to pay a \$29,925 penalty, and not to engage in transportation of hazardous wastes until it has obtained a transporter registration and insurance coverage. The facility will get a \$5,000 compliance school credit, if it sends two of its employees to California Compliance School (CCS) and submits a Certificate of Satisfactory Completion of the four hazardous waste management modules at the CCS. The violations involved transportation of hazardous waste without a registration issued by DTSC, and failure to have insurance for pollution coverage. The draft CO was sent to the facility on June 26, 2006. The facility is engaged in mold remediation activities, and removal and transportation of primarily asbestos wastes.

Shell Solar Industries LP, City of Camarillo, (Ventura County): CAD000626655.

SCD issued an Enforcement Order to Shell Solar Industries LP on November 8, 2005 for violations discovered on a September 22, 2005 inspection. The company paid a penalty of \$8,000 on November 21, 2005 settling the case. The violations include: failure to assess tank and containment integrity and treatment of hazardous waste without a permit or authorization.

Smith Systems Transportation, City of Arcadia, (Los Angeles County):

NED986382133 (complaint). On December 19, 2005, SCD entered into a Consent Order with Smith Systems Transportation (Smith), settling violations discovered during a June 23, 2005 inspection. Smith was cited for storage of hazardous waste in excess of the ten days allowed under the transfer facility exemption; failure to deliver the entire quantity of hazardous waste; failure to obtain the date of delivery to the receiving facility, and failure to obtain the signature of the receiving facility. Smith Transportation agreed to pay a penalty of \$20,161.

TP Industrial, Inc., City of Gardena, (Los Angeles County): CAD097465132.

On November 17, 2005, SCD entered into a Consent Order with TP Industrial (TPI) settling violations observed during a June 25, 2003 inspection. TPI was cited for: failure to provide adequate site security; failure to label hazardous waste; and failure to provide adequate groundwater monitoring well maintenance. TPI is conducting soil vapor extraction at the site and groundwater monitoring as required by a Post-Closure Permit. TPI agreed to pay \$9,120 in penalties.

Trident Plating, City of Santa Fe Springs, (Los Angeles County):

CAR000083865. The California Attorney General's Office, on behalf of SCD filed a civil complaint against Trident Plating on March 16, 2006. The complaint was filed for failure to meet the conditions for compliance in a July 5, 2005 Consent Order to Correct Violations. Violations which were included in the July, 2005 Consent Order include improper storage of incompatibles, storage for greater than 90 days without a permit, failure to assess tank integrity or secondary containment, and lack of training.

Tri-Valley Coolant, City of Tracy, (San Joaquin County): CAL000259460

(complaint, non-RCRA). On January 6, 2006, SCD entered into a Consent Order with Tri-Valley Coolant, settling an enforcement action against the company for continued transportation of hazardous waste after the company's DTSC transporter registration expired. The company also failed to submit all required Transporter Quarterly Reports. Tri-Valley Coolant admitted the violations, agreed to not act as a hazardous waste transporter for 5 years, and submitted the outstanding Transporter Quarterly Reports by March 1, 2006. Tri-Valley Coolant also paid DTSC \$6,000, of which \$3,000 is a penalty and \$3,000 is reimbursement for DTSC's administrative costs.

TSM Recovery & Recycling Co., City of Los Angeles, (Los Angeles County):

CAD108040858 (non-RCRA). On October 25, 2005, SCD entered into a Consent Order with TSM Recovery & Recycling Co. (TSM), settling a violation observed on

an October 21, 2004 inspection. TSM is a registered transporter, found in violation for storage of hazardous waste in excess of the 10 days allowed under the transfer facility exemption. TSM agreed to pay a \$13,000 penalty.

U. S. Circuit Inc., City of San Diego, (San Diego County): CAD980673347. SCD entered into a Stipulation and Order with U. S. Circuit, Inc. on May 18, 2006. The Stipulation and Order settles violations and penalties originally assessed under a June 14, 2005 Enforcement Order. The Stipulation and Order assesses a penalty of \$25,000. The violations include improper authorization or permit for onsite treatment, incomplete tank assessment, improper waste determination, and lack of a training plan.

U. S. Filter Recovery Services, Inc., City of Vernon, (Los Angeles County): CAD097030993. On July 12, 2005, SCD entered into a Consent Order with U. S. Filter Recovery Services, Inc. (USFR), settling violations observed during an inspection conducted on October 24, 2003, and subsequent inspections in 2004. USFR is a permitted treatment and storage facility found in violation for mismanagement of hazardous waste in treatment tanks, in the off-loading area, and near a storage tank; and storage of incompatibles together without separation. USFR agreed to pay \$10,500 in penalties and provide SCD with monthly reports for six months of any mismanagement in a treatment tank that results in a release of hazardous waste constituents to the air.

U. S. Filter Recovery Services, Inc., City of Vernon, (Los Angeles County): CAD097030993. On June 15, 2006, SCD entered into a Consent Order with U.S. Filter to address violations observed during an inspection conducted on June 30, 2005. U.S. Filter is permitted to accept, treat, and store a variety of hazardous wastes, including solvents and contaminated wastewater. During the inspection, U.S. Filter was cited for the following violations: unauthorized storage of hazardous waste in rail cars; inadequate operating log; and failure to inspect/record inspections of the loading and unloading area. U.S. Filter agreed to pay a penalty of \$23,000.

Ultima Circuits (formerly Progressive Circuits), City of Sacramento, (Sacramento County): CAD983576760. On November 23, 2005, DTSC entered into a Consent Order with Ultima Circuits. Under the terms of the Order, a penalty of \$200,000 has been set but the facility is to pay only \$100,000 of the penalty over 3 years. If the facility remains in full compliance during this 3 year period, the remaining \$100,000 of the penalty will be forgiven. On June 26, 2006, SCD entered into a Stipulation and Order with Ultima Circuits for violations discovered during a January 7, 2004 inspection. The facility has corrected all violations and returned to compliance. The June 26, 2006 Stipulation and Order settled disputes surrounding a February 7, 2006 Unilateral Order. Under the provisions of the Order, the facility was to provide certain documents to DTSC which they failed to do. Ultima Circuit agreed to pay a penalty of \$4,000.

V-M Enterprises, Inc. (dba Crocker Plating Works), City of Los Angeles, (Los Angeles County): CAD021858063. SCD issued an Enforcement Order to V-M Enterprises on June 16, 2006. Crocker Plating Works was originally inspected in October 27, 2004 in response to an application to treat cyanide bearing wastes onsite. The case was referred to the California Office of the Attorney General on February 16, 2005, and compliance issues and settlement negotiations have occurred since that point. Violations cited during the inspection included failure to make a waste determination, storage for greater than 90 days without authorization, and failure to certify/assess tank integrity and secondary containment.

Waste Management of Alameda County, City of Oakland, (Alameda County): CAD982347098 (complaint, non-RCRA). Waste Management of Alameda County entered into a Consent Order with SCD on August 1, 2005, settling violations found during a complaint investigation conducted on July 8, 2004. The violation cited was for operating as a transporter from October 31, 2000 through June 3, 2004 with an expired registration. The total settlement was \$4,000, of which \$2,000 was identified as administrative cost. The violation was corrected in July 2004.

West Contra Costa Sanitary Landfill, City of Richmond, (Contra Costa County): CAD041844002 (complaint, RCRA). Beginning in December, 2005, SCD began investigating a broad-ranging complaint against West Contra Costa Sanitary Landfill (WCCSL). In January 2006, SCD and DTSC's Permitting program became concerned about high levels of leachate within the closed landfill, and the lack of performance of leachate extraction and treatment systems. SCD issued an Enforcement Order on February 2, 2006, making a finding of imminent and substantial endangerment, and requiring the WCCSL to take steps to reduce the level of leachate in the landfill. These include developing and implementing a plan to add additional extraction wells and piezometers in the landfill, and a plan to replace their leachate treatment plant. These plans have been reviewed and approved, and are now being implemented. In addition, WCCSL will be submitting an application for a new post-closure permit. Negotiations on a Consent Order to replace the Enforcement Order will begin in September 2006.

APPENDIX C
COMPLIANCE ASSISTANCE
SELF-DISCLOSURE

Amberwick Corporation, City of Long Beach, (Los Angeles County):

CAL000827879. On June 28, 2006, SCD and Amberwick Corporation entered into a Consent Order (CO) settling violations disclosed to DTSC on December 27, 2005. A transporter inspection was conducted on January 10, 2006 as a follow-up to the self-disclosure notification. The disclosure was compared to the Cal/EPA's Self Disclosure policy, and found to not meet all criteria for full waiver of gravity based penalties. The facility agreed to a payment of \$6,265, of which \$5,844 is a penalty, and \$421 is reimbursement of DTSC's costs. Of the \$5,844 penalty, the facility will get a \$5,000 compliance school credit if two of its employees satisfactorily complete the four hazardous waste management modules at the California Compliance School. The violations involved transportation of hazardous waste to an unauthorized facility, and failure to use hazardous waste manifest for its transportation. The draft CO was sent to the facility on June 8, 2006. The facility is a registered hazardous waste hauler.

Apple Computer, Inc., City of Cupertino, (Santa Clara County): CAL981386600

(non-RCRA). SCD entered into a Consent Order with Apple Computer on August 16, 2005 for settlement of violations disclosed to DTSC on February 14, 2005. The disclosure was compared to the Cal/EPA Recommended Guidance on Incentives for Voluntary Disclosure, and found to not meet all criteria for full waiver of gravity based penalties. A penalty of \$500 was assessed and collected in this case. The disclosure by Apple Computer stated that antimony containing resins were shipped without a manifest to a facility that was not permitted to receive such waste. The violation was self-corrected, and the waste was subsequently properly disposed.

Asbury Environmental Service, City of San Diego, (San Diego County):

CAD028277036 (non-RCRA). On March 16, 2005, SCD received a Voluntary Disclosure letter from Asbury Environmental Services (Asbury) involving unauthorized truck-to-truck transfer and one manifest paperwork error. Asbury is a registered transporter of hazardous waste. On September 6, 2005, SCD completed the assessment of the facility's self-disclosure report and made a determination that the facility meets the nine conditions for the waiver of gravity-based penalties based on CAL/EPA's Self-Disclosure policy. On September 21, 2005, a determination letter was sent to the facility indicating that an enforcement action would not be taken on the disclosed violations

Asbury Environmental Services, City of Compton, (Los Angeles County):

CAD028277036 (non-RCRA). On December 27, 2005, SCD received a Voluntary Disclosure letter from Asbury Environmental Services (Asbury) related to the unauthorized truck-to-truck transfer of approximately 6500 gallons of used motor oil on December 3, 2005. The front axle of the trailer broke while the Asbury truck was

traveling on Interstate 5 through the Tejon Pass in Kern County. The Asbury recovery team determined that a truck-to-truck transfer was needed to avoid a used oil spill. Tarp and absorbent material was used as a precaution. The transferred used waste oil was then routed to its original destination. No enforcement action will be taken against Asbury for the December 3, 2005 incident.

Asbury Environmental Services, City of Compton, (Los Angeles County):

CAD028277036 (non-RCRA). On April 5, 2006, SCD received another Voluntary Disclosure letter from Asbury disclosing a spill of used oil from a truck caused by an internal valve failure. The 40 to 45 gallon spill occurred on March 13, 2006 at an onramp to the 91 Freeway in Los Angeles County. The Office of Emergency Services, local police and fire departments were notified and reported to the scene. A cleanup contractor, blocked the spillage with bags of absorbent and portable dikes, and removed the spill. High pressure washers with oil dispersant were used to clean an affected storm drain. The regulatory agencies on the scene approved the cleanup once completed. It was later determined that sediment had accumulated in the rear tank causing internal valves to fail, which forced the used oil into the front tank which over pressurized the compartment and caused the release. No enforcement action will be taken against Asbury for the March 13, 2006 incident.

Exxon/Mobil, City of Torrance, (Los Angeles County): CAD008354052

(non-RCRA). The disclosed violation involved disposal/discharge of wastewater contaminated with selenium to the Publicly Owned Treatment Works in 2002. A letter dated May 21, 2004, from Exxon/Mobil includes the Los Angeles County Sanitation District's Selenium discharge requirements, and the agreement reached with the Sanitation District for reducing selenium concentrations in Exxon/Mobil's effluent. The case was referred to the California Office of the Attorney General (AG) in November of 2004. In March 2005, the Sanitation District responded to an information request from the AG's Office, and submitted all correspondence relating to the Exxon/Mobil selenium discharge.

On June 13, 2006, Exxon/Mobil provided a status report on their efforts to install a selenium treatment system at their Torrance facility. The system is needed in order to prevent releases of hazardous waste levels of selenium into the public sewer system. The treatment system was installed and is currently being evaluated for effectiveness; however, the current configuration does not sufficiently treat the selenium, and additional modifications to the system need to be made.

Hereaus Metal Processing, Santa Fe Springs, (Los Angeles County):

CAD060398229 (non-RCRA). SCD is resolving violations disclosed by Hereaus on November 13, 2003, and cited following a January 20, 2004 inspection. Hereaus is a precious metal recycling facility with a Series B Standardized Permit. Between 1998 and 2003, Hereaus upgraded, relocated, removed, and added tanks and filter presses. The enforcement case was referred to California Office of the Attorney General, and is pending. Since July of 2005, SCD has continuously met with permitting to discuss a permit modification for tank additions and modifications, which includes an updated waste analysis plan. The Waste Analysis Plan is currently being revised by Hereaus. The permit modification is pending approval.

Metropolitan Water District of Southern California, City of Winchester, (Riverside County): CAD981425598. SCD entered into a Consent Order with the Metropolitan Water District of Southern California (MWD) on January 27, 2006 to settle violations disclosed to DTSC on September 16, 2004. The disclosure was compared to the Cal/EPA Recommended Guidance on Incentives for Voluntary Disclosure, and found to not meet all criteria for full waiver of gravity based penalties. Penalties assessed totaled \$2,100. The violations disclosed by MWD include transportation of arsenic containing waste without a manifest and to a facility not authorized to receive the waste.

Norcal Waste Systems, Inc., City of Wheatland, (Yuba County): No EPA ID Number. SCD Northern California Branch Sacramento Office staff received a self-disclosure from Norcal Waste Systems, Inc. (Norcal), regarding disposal of soils with high lead levels at their Ostrom Road Landfill in Wheatland. Norcal provided verbal notification to DTSC on January 10, 2006, and written notification on January 20, 2006. The soils were generated during remedial action activities at a skeet range at Beale Air Force Base. URS Corporation, the contractor, had an error in an analytical data spreadsheet, resulting in possible mis-characterization of some soil piles. After an initial review, SCD could not confirm that the soil was hazardous. SCD will conduct further statistical analyses before finalizing its determination.

Remedy Environmental, City of Anaheim, (Orange County): CAL000200500. On April 20, 2006, SCD completed the assessment of the facility's self-disclosure notification and made a determination that the facility meets the nine conditions for the waiver of gravity-based penalties. The assessment was based on Cal/EPA's Self-Disclosure Policy. An inspection of the facility was conducted on January 12, 2006. The disclosed violations involved acceptance and treatment of hazardous wastes without an authorization from DTSC. The facility is a generator of hazardous wastes.

Shell Martinez Refinery, City of Martinez, (Contra Costa County): CAD009164021. On August 25, 2005 a self-disclosure was sent to DTSC regarding potential illegal storage of catalyst. The self-disclosure is under review.

Tesoro Golden Eagle Refinery, City of Martinez, (Contra Costa County): CAR0001150939. On September 2, 2005, a self-disclosure was sent to DTSC regarding the exceedance of 90 days storage for investigation-derived waste from a Corrective Measure Study. The self-disclosure is under review.

United Airlines: Los Angeles International Airport, City of Los Angeles, (Los Angeles County): CAT080012693, and San Francisco International Airport, City of Burlingame, (San Mateo County): CAC002562614 (non-RCRA). On August 31, 2005, SCD received a Voluntary Disclosure letter from United Airlines (United) regarding to the handling of cathode ray tubes at LAX and SFO. In the letter, United indicated that they may have accepted CRT's and electronic devices from other United facilities without providing notification. United also indicated that

they failed to file the necessary financial responsibility documentation and had not provided required training to their workers. United's Self-Disclosure meet the criteria under the Cal/EPA Self-Disclosure Policy. In addition, it was determined that United had taken the necessary steps to come into compliance with regulatory requirements. No further enforcement will be taken against the facility.

University of California, Berkeley, City of Berkeley, (Alameda County): CA (non-RCRA). SCD received a voluntary disclosure from the University of California, Berkeley (UC Berkeley) on March 29, 2006. The disclosure sets forth violations, including storage for greater than 90 days without authorization, determined by UC Berkeley through routine internal auditing procedures. Analysis and recommendation for action were forwarded to DTSC's Office of Legal Counsel for revised on May 31, 2006.

APPENDIX D
TASK FORCE INVESTIGATIONS SUPPORT BRANCH

Allen Property/Jaeger Construction, City of Chico, (Butte County): EPA ID Number: None (complaint, non-RCRA). On May 25, 2006, Defendant Jaeger Construction Inc. entered a no contest plea to three misdemeanor counts filed by the Butte County District Attorney. These include transporting hazardous waste, burning hazardous waste and using open outdoor fires on the owner, Allen's, property to dispose of hazardous waste. DTSC's Task Force Investigations Support Branch worked with five other local and state agencies on the investigation and, as a consequence, DTSC will be reimbursed \$26,829.74 for its costs. The overall penalty is \$38,500.00. In addition, Jaeger Construction will be on probation for a minimum of three years and maximum of five.

Asbury Environmental Services, City of Los Angeles, (Los Angeles County): CAD028277036 (complaint, RCRA). On May 11, 2006, Asbury Environmental Services (AES) entered into a Consent Order (Docket HWCA 03-06-544) with DTSC for the violation of Health and Safety Code section 25201; AES had performed two instances of unauthorized hazardous waste transfer. The penalty AES agreed to pay is \$8,000.

MP Associates, City of Lone, (Amador County): EPA ID No: None (complaint, RCRA). DTSC entered into a Consent Judgment with MP Associates (MP) on June 12, 2006 to resolve DTSC's enforcement action against the company for violations of hazardous waste (waste pyrotechnics) management requirements at its facility located in Lone, Amador County. MP will design and construct four transportable treatment units designed to treat approximately 200 pounds of consumer type 1.4 pyrotechnics per hour. These units will be in compliance with air emission standards of the Air Quality Management Districts and DTSC's hazardous waste management requirements, and will be operated by the State Fire Marshall to treat confiscated illegal fireworks. Should MP fail to deliver the four treatment units to DTSC and the State Fire Marshall within the agreed timeframe, MP will pay DTSC a penalty of \$1.5 million, reduced by the amount of the actual costs incurred by MP in developing the units; the amount of actual costs used to reduce the penalty shall not exceed \$500,000 in any event.

Oakland Fire Department, City of Oakland, (Alameda County): CAR000046425 (complaint, non-RCRA). On July 1, 2005, the Oakland fire Department entered into a Consent Agreement with DTSC wherein that entity will cease illegal disposal and storage of hazardous wastes. In addition, the Oakland Fire Department will conduct on-site, DTSC approved, hazardous waste generator and Hazwoper training to its employees. For every dollar spent in training, one dollar of the \$20,000 penalty will be reduced.

Prime Environmental Services Company, City of El Monte, (County of Los Angeles): CAL931024038 (complaint, RCRA). On January 10, 2006, DTSC entered into a Consent Order with Prime Environmental Services Company (PRIME). PRIME was found to have been transporting hazardous wastes without a

permit, delivering hazardous waste to locations not authorized by DTSC to receive the waste, storing hazardous waste at those locations without authorization, storing hazardous waste in leaking containers, transporting hazardous waste that had been rejected by authorized facilities without a manifest, and various administrative violations. PRIME agreed to pay DTSC \$50,000 in penalties and agreed that failure to comply with terms of the Consent Order may subject them to civil penalties and/or punitive damages for any costs incurred by DTSC or other government agencies as a result of such failure. PRIME has sold all assets and ceased operating.

Reynolds Systems, City of Cobb, (Lake County): EPA ID No: None (complaint, RCRA). Reynolds Systems manufactures specialty explosive devices primarily for the military. It is located on 160 acres in a remote area and had never been inspected. This company was cited for unauthorized storage and disposal of hazardous waste; failure to make a hazardous waste determination; failure to train employees in hazardous waste management; and failure to label containers with hazardous waste. The Lake County District Attorney's Office settled the case on July 28, 2005. Lake County received \$70,000 in penalties and DTSC was reimbursed \$20,000 of that for investigative and administrative costs.

Robison-Prezioso, Inc., City of San Francisco, (San Francisco County): CAR0000725792 (complaint, non-RCRA). Robison-Prezioso, Inc., (RPI) is an industrial painting contractor that provided lead abatement and recoating work on the San Francisco-Oakland Bay Bridge. The company was found to have violated hazardous waste disposal and transportation laws, and was cited for making false statements. The violations were noted by DTSC inspectors at RPI's Bay Bridge storage and staging yard at Treasure Island from 2000-2004, when RPI generated hazardous waste and lead-contaminated paint residues through its work on the Bay Bridge. RPI is no longer transporting hazardous waste, and cleanup of the soil contamination at the Treasure Island yard was completed in April 2005. Under the terms of the Consent Order signed on March 29, 2006, RPI will pay a penalty of \$145,000, which includes \$35,000 as reimbursement for costs incurred in this matter.

Stockton Pacific Enterprises, Inc., City of Samoa, (Humboldt County): CAR000013797 (complaint, non-RCRA). On December 7, 2004, DTSC's Task Force Investigations Support Branch along with more than 40 federal, state and local agents, seized computers, rifled through files and took samples from pipes at the Stockton Pacific Enterprises, Inc., pulp mill looking for evidence of environmental crimes. The environmental task force, spearheaded by the Humboldt County District Attorney's Office, included peace officers from a dozen agencies acting on a search warrant issued by Humboldt County Superior Court. DTSC staff provided sampling and technical support. Task force personnel searched for violations of state and federal water, air and labor laws. In December 2005 the Humboldt County District Attorney's Office reached a \$125,000 monetary settlement with Stockton Pacific Enterprises, Inc., for waste water discharge permit violations.